

ORDERS, RESOLUTIONS,
AND
DETERMINATIONS,

Of the HONOURABLE
HOUSE of COMMONS,

On controverted

ELECTIONS *and* RETURNS :

Determining the Qualifications of

CANDIDATES and VOTERS ; the RIGHTS
of ELECTION for the several CITIES and
BOROUGHs ; the Nature of EVIDENCE
proper on the HEARING ; Disqualifica-
tion by OFFICES, BRIBERY, TREATING,
RIOTS, &c. and the Duty of RETURN-
ING OFFICERS.

The STATUTES in force concerning ELECTI-
ONS, are also pointed out under their proper
HEADS.

The Third EDITION, with ADDITIONS
to the End of the last Session of Parliament, 1747.

L O N D O N :

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HOUSE OF COMMONS

SEP 30 1915

To the Right Honourable

Sir *William Yonge* Bar^t.

Knight of the most Honourable
Order of the Bath, &c.

S I R,

AUTHOR S of all Sorts and
Sizes claim a prescriptive Right
to make Addresses of this Na-
ture without Permission first obtained;
and they seem to have Reason, if what
is said, be true of

*Lord Halifax, who claimed the Station,
To be Mæcenas of the Nation,*

'Tis related that he generally received
Dedications favourably; but never gave
leave to dedicate, if ask'd: And he
used to say, the Request was absurd.

Your long and early Experience, Sir,
in Parliamentary Affairs, makes a Col-
lection of this Kind, the less necessary
to you: But as hardly any Memory can

be punctual to fix some Hundreds of different Dates, it may be useful as a Repertory to direct to the Journals of the House. Besides, Dedications are more frequently made, because the Author desires to have a Patron, than because the Patron has any need of the Author, or his Works.

The principal Part, Sir, of this little Performance is only a Collection of Votes relating to Elections and Returns, and Questions incidental to them. This Transcript any body might have made, who had known what to transcribe; the Merit of the Work then consists in having made a better Choice of Materials, than others who have attempted Collections or Treatises on the Subject.

I did not think myself at liberty to reject any one Vote, which might seem to imply some Doctrine relating to the Title before me: Therefore if in this Collection, there shou'd be any Resolution which flowed from the Rage of Party in unsteady Times, (as I think some such may be pointed out,) let it stand as

a Warning to future Parliaments to avoid striking on the same Rock. For what the noble Historian wisely and honestly observes concerning the Ship-Money Judges, will hold true even of Parliaments themselves: 'When *the* People heard this demanded in a Court of Law, as a Right, and found it by sworn Judges of the Law adjudged so, upon such Grounds and Reasons as every Stander-by was able to swear was not Law——They no more look'd upon it as the Case of one Man, but the Case of the Kingdom.——And no question, as the Exorbitancy of the House of Commons, in the next Parliament, proceeded principally from their Contempt of the Laws, and that Contempt from the Scandal of that Judgment: So the Concurrence of the House of Peers in that Fury, can be imputed to no one thing more than to the irreverence and scorn the Judges were justly in— If these Men had preserved the Simplicity of their Ancestors, in severely and strictly defending the Laws, other
Men.

‘ Men had observed the Modesty of
 ‘ theirs in humbly and dutifully obey-
 ‘ ing them.’ And I may add, that this
 very Contempt in the Compass of ten
 Years fell upon every Order of the Le-
 gislature, for one and the same Reason,
viz. the manifest Abuse of Power

This, Sir, is the Address of a Freeman
 to one of the Guardians of *British* Li-
 berty. Early, as you was introduced to
 a Court; early admitted into the Ca-
 binet; early representing your Country
 in Parliament; and serving in high Em-
 ployments a royal Master, who knows
 his Throne is founded on the same Ba-
 sis with the Liberties and Properties of
 his People: It exactly satisfies our
 Wishes and Expectations, when we be-
 hold in Sir *William Yonge* the Courtier,
 Statesman, and Patriot united.

Pardon the Liberty here taken; and
 accept it as a Proof of the profound
 Respect, with which I am, Sir,

Your most Humble,

and most Obedient Servant,

P R E F A C E

THE following Sheets were compiled with a Design to inform returning Officers of their Duty, and Candidates and Electors of their Rights.

'Tis true, there are many good Acts of Parliament in Force for this Purpose, but 'tis also necessary to see how those Acts have been understood by that August Judicature, which hath the primary and fundamental Authority to expound them. One of them particularly refers to the last Determination of the House of Commons, to regulate the Judgment of the returning Officer, upon what Merits he is to make his Return. Are not these Determinations therefore become Part of the Law of the Land? And tho' they do not bind the House of Commons in the future, yet, as against returning Officers, they have the Force of an Act of Parliament. This Work is therefore a Book of Reports, or adjudged Cases, and may also serve as a Repertory to the Gentlemen who have the Honour to be Members of that great Assembly, and to Petitioners and their Counsel.

In

In this Edition, the Cases, &c. are placed in Alphabetical Order; and Abstracts of the Acts relating to them, are inserted in proper Places.

*Compleat Sets of Votes for many Years are in very few Hands, nor are they likely to undergo a second Impression: Therefore considering that many of them relating to this Subject are the very Law itself, it is hoped this little Collection will (for so much) be esteemed a laudable Undertaking, for the Advancement of publick Justice in the most important Instance. Without some such Assistance, returning Officers might labour under an Evil never intended them by the Honourable House of Commons, (who always publish in Print whatever Act of theirs they would have the Publick take Notice of;) under an Evil like that contrived for the Roman People by Caligula, who published Penal Laws, * sed & minutissimis Literis, & angustissimo Loco: uti ne cui describere liceret.*

But We live in an Augustan Age, under the Government of known Laws.

* Suetonius
in Caligula,
cap. 41.

*Laws, * sed & minutissimis
Literis, & angustissimo Loco:
uti ne cui describere liceret.*

ORDERS, RESOLUTIONS, DETERMINATIONS, &c.

ABINGDON.

Martis, 18 die Januarii, 1708.

Resolved,

TH A T the Right of Electing a Bur-
geses to serve in Parliament for the
Borough of *Abingdon*, is in the Inhabitants
paying Scot and Lot, and not receiving
Alms, or any Charity.

AGMONDESHAM.

Sabbati 11 die Decemb. 1680.

1. *Resolved*, That in the Borough of *Ag-
mondesham*, alias *Amersham*, in the County
of *Bucks*, those Inhabitants only who pay
Scot and Lot have Right to give Voices in
the Election of Burgesses to serve in Par-
liament for the said Borough.

Sabbati, 1 die Decembris, 1705.

2. *Resolved*, That the Right of electing
Burgesses to serve in Parliament for the
Borough of *Agmondesham* in the County

of *Bucks*, is in the Inhabitants paying Scot and Lot only.

AILESBUURY.

Martis, 28 die Januarii, 1695.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Ailesbury*, in the County of *Bucks*, is in all the Householders of the said Borough, not receiving Alms.

Martis, 7 die Februarii, 1698.

2. *Resolved*, That all Persons receiving Alms within the Borough of *Ailesbury*, pursuant to the Will of Mr. *Bedford*, or any other Persons receiving any other Charity annually distributed in the same Town, are in respect thereof, disabled to vote in the Election of Burgesses to serve in Parliament for the said Borough.

This was altered from what the Committee reported, and agreed to by the House.

ST. ALBANS.

Lunæ, 10 die Martis, 1700.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament, for the Borough

ALDBOROUGH in SUFFOLK. 3

Borough of *St. Albans*, is in the Mayor, Aldermen, and Freemen, and such Household-ers only as pay Scot and Lot.

Sabbati, 24 die Novembris, 1705.

2. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament, for the Borough of *St. Albans*, in the County of *Hertford*, is in the Mayor, Aldermen, and ſuch Freemen only, as have a Right to Freedom by Birth or Service, or have it by Redemption, in order to trade, or inhabit within the ſaid Borough, and in the Houſholders paying Scot and Lot.

Martis, 27 die Aprilis, 1714.

3. *Resolved*, That the Right of Election of Members to ſerve in Parliament for the Borough of *St. Albans* in the County of *Hertford*, is in the Mayor, Aldermen, and Freemen, and ſuch Houſholders only as pay Scot and Lot.

ALDBOROUGH in SUFFOLK.

Veneris, 23 die Decembris, 1709.

1. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament, for the Borough of *Aldborough*, in the County of
B 2 *Suffolk,*

4 ALDBOROUGH in SUFFOLK.

Suffolk, is in the Bailiffs, Burgeſſes and Freemen, not receiving Alms.

Jovis, 16 die Junii, 1715.

2. Mr. *Hampden* (according to Order) reported from the Committee as follow ;

Resolved, That it is the Opinion of this Committee that the Right of Election of Members to ſerve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is not in the Bailiffs, Burgeſſes, and Freemen of the ſaid Borough not receiving Alms.

3. *Resolved*, That it is the Opinion of this Committee, that the Right of Election of Members to ſerve in Parliament for the Borough of *Aldborough* in the County of *Suffolk*, is in the Bailiffs and Burgeſſes reſident within the ſaid Borough, and not receiving Alms.

There are four more Resolutions ; who are, and who are not duly elected, &c.

The firſt four of the ſaid Resolutions being ſeverally read a ſecond time, the ſame were upon the Queſtion ſeverally put thereupon, diſagreed unto by the Houſe.

ALDBOROUGH in YORKSHIRE.

See Capacity.

Jovis, 15 die Maii, 1679.

1. *Resolved*, That all the Inhabitants of the

ALDBOROUGH in YORKSHIRE, &c. 5
the Borough of *Aldborough* in the County
of *York*, paying Scot and Lot, have only
Right to vote in electing Members of Par-
liament for the said Borough.

Sabbati, 17 die Maii, 1690.

2. *Resolved*, That the Right of electing
Burgesses to serve in Parliament for the
Borough of *Aldborough*, in the County of
York, is not only in the select Number of
Burgesses holding by Burgage-Tenure in
the said Borough.

3. *Resolved*, That all the Inhabitants of
the said Borough of *Aldborough*, paying
Scot and Lot, have a Right to vote in e-
lecting of Members of Parliament for the
said Borough.

ALIEN. See *Capacity*.

Jovis, 22 die Decembris, 1698.

On a Hearing for Westminster.

Resolved, Nemine Contradicente, That no
Alien, not being a *Denizen*, or naturalized,
hath any Right to vote in the Elections of
Members to serve in Parliament.

ALMS.

Mercurii, 8 die Januarii, 1689.

1. *Resolved*, That those who receive

B 3

Alms

Alms according to the Act of Parliament for the Relief of the Poor, have no Voices in Election of Burgesses to serve in Parliament for the Borough of *Abingdon*.

2. *Resolved*, That those Inhabitants who receive any constant Alms, Weekly, Monthly, Quarterly, or Yearly, have no Voices in such Elections.

3. *There are many Votes, in the Cases of other Corporations to the like Effect.*

ANDOVER.

Jovis, 28 die Januarii, 1702.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Andover* in the County of *Southampton*, is in the Bailiff and select Number of Burgesses only.

Jovis, 7 die Martii, 1727.

2. *Ordered*, That the approved Men and Burgesses of the Borough of *Andover* (in *Com. Southampton*) who have petitioned this House, complaining of an undue Election and Return for the said Borough, and that their Votes were refused by the Bailiff, be at Liberty to withdraw their said Petition.

ARUN-

ARUNDEL.

Jovis, 22 die Februarii, 1693.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Arundel* in the County of *Sussex*, is only in the Inhabitants of the said Borough paying Scot and Lot.

ASHBURTON.

Jovis, 26 die Februarii, 1707.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Ashburton*, in the County of *Devon*, is in the Freeholders having Lands or Tenements holden of the said Borough only.

Sabbati, 17 die Martii, 1710.

1. *Resolved*, That the Freeholders of the Lands and Tenements, call'd *Halfbanger* and *Hokwell* Lands, lying within the Borough of *Ashburton*, and subject to pay a Borough Rent, have Right to vote for Members to serve in Parliament, for the said Borough of *Ashburton*.

BANBURY.

Martis, 29 die Decembris, 1691.

1. *Resolved*, That the Right of Election

of a Burgess to serve in Parliament for the Borough of *Banbury*, is in the Mayor, Aldermen, and Capital Burgesses of *Banbury* only.

BATH.

Lunæ, 27 die Januarii, 1706.

1. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Bath*, in the County of *Somerset*, is in the Mayor, Aldermen, and Common-Council only.

BEAUMARIS.

Sabbati, 18 die Februarii, 1709.

1. *Resolved*, That the Right of electing a Burgess, to serve in Parliament, for the Borough of *Beaumaris* in the County of *Anglesey*, is in the Mayor, Bailiffs, and Capital Burgesses of *Beaumaris* only.

Mercurii, 3 die Martii, 1729.

2. *Resolved*, That the Right of electing a Burgess to serve in Parliament for the Borough of *Beaumaris*, in the County of *Anglesey*, is in the Mayor, Bailiffs, and Capital Burgesses only of the said Borough of *Beaumaris*.



BEDFORD-TOWN, &c.

BEDFORD-TOWN.

Sabbati, 12 die Aprilis, 1690.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Bedford* is in the Burgesses, Freemen and Inhabitants, being Household-holders of *Bedford*, not receiving Alms.

GREAT BEDWIN.

Mercurii, 26 die Martii, 1729.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Great Bedwin*, in the County of *Wilts*, is in the Freeholders and Inhabitants of ancient Burgage-Messuages.

BEREALSTON.

Martis, 6 die Junii, 1721.

1. *Resolved, Nemine Contradicente*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Berealston* in the County of *Devon*, is in the Freehold Tenants of the said Borough, holding by Burgage-Tenure, and paying three Pence *per Annum*, or more ancient Burgage-Rent to the Lord of the said Borough, and in them only.

2. The

of a Burgess to serve in Parliament for the Borough of *Banbury*, is in the Mayor, Aldermen, and Capital Burgesses of *Banbury* only.

BATH.

Lune, 27 die Januarii, 1706.

1. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Bath*, in the County of *Somerset*, is in the Mayor, Aldermen, and Common-Council only.

BEAUMARIS.

Sabbati, 18 die Februarii, 1709.

1. *Resolved*, That the Right of electing a Burgess, to serve in Parliament, for the Borough of *Beaumaris* in the County of *Anglesey*, is in the Mayor, Bailiffs, and Capital Burgesses of *Beaumaris* only.

Mercurii, 3 die Martii, 1729.

2. *Resolved*, That the Right of electing a Burgess to serve in Parliament for the Borough of *Beaumaris*, in the County of *Anglesey*, is in the Mayor, Bailiffs, and Capital Burgesses only of the said Borough of *Beaumaris*.



BED.

BEDFORD-TOWN, &c.

BEDFORD-TOWN.

Sabbati, 12 die Aprilis, 1690.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Bedford* is in the Burgesses, Freemen and Inhabitants, being Householders of *Bedford*, not receiving Alms.

GREAT BEDWIN.

Mercurii, 26 die Martii, 1729.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Great Bedwin*, in the County of *Wilts*, is in the Freeholders and Inhabitants of ancient Burgage-Messuages.

BEREALSTON.

Martis, 6 die Junii, 1721.

1. *Resolved, Nemine Contradicente*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Bereallston* in the County of *Devon*, is in the Freehold Tenants of the said Borough, holding by Burgage-Tenure, and paying three Pence *per Annum*, or more ancient Burgage-Rent to the Lord of the said Borough, and in them only.

2. The

2. The House being acquainted, that an Indenture of Return, signed by the Freehold Tenants of the said Borough, had been tendered to the Port-Reve of the said Borough, at the time of the Election, but that he refus'd to accept the same ; and that one of the Persons who had signed and tendered the said Indenture to the Port-Reve, was at the Door :

The said Person was called in and examined, and delivered the said Indenture in to the Clerk of the House ; and the same was read at the Table.

And the Clerk of the Crown attending the House in his Place (according to Order) with the Return for the said Borough,

Ordered, That the Clerk of the Crown do take off from the Writ the Indenture, by which *Philip Cavendish* Esq; is returned to serve for the said Borough.

3. *Ordered*, That the Port Reve of the said Borough of *Berealston*, do execute the Indenture of Return, signed by the Freehold Tenants of the said Borough, which was tendered to him at the time of the Election ; and that, when the said Indenture is so executed, the Clerk of the Crown do receive the same, and annex it to the Writ directing the said Election.

B I W D.

BEWDLEY.

Martis, 27 die Maii, 1679.

1. *Resolved*, That all the Inhabitants of the Borough of *Bewdley* (in *Com. Worcester*) have not a Right to vote in the Elections of Members to serve in Parliament for the said Borough.

Martis, 8 die Februarii, 1708.

2. A Motion being made, and the Question being put, that *Thomas Smith*, who was about *Michaelmas* 1707, chosen Bailiff of the Borough of *Bewdley*, and against whom an Information in the Nature of a *Quo Warranto* was brought, and Judgment given for him thereupon, was rightly Bailiff of the said Borough at the Time of the Election of a Burgess to serve in the present Parliament: It passed in the Negative.

3. *Resolved*, That *Samuel Slade*, nominated Bailiff of the Borough of *Bewdley*, by a Charter granted by her Majesty, for maintaining the Peace and good Government of the said Borough, was rightful Bailiff of the said Borough, at the Time of the Election of a Burgess to serve in this present Parliament.

Martis,

Martis, 19 die Dec. 1710.

4. *Resolved*, That the Charter, dated the 20th of *April*, 1708, attempted to be imposed upon the Borough of *Bewdley*, against the Consent of the ancient Corporation, is void, illegal and destructive of the Constitution of Parliament.

BOSTON.

Jovis, 8 die Maii, 4 C. i. 1628.

1. *Resolved*, That the Right of Election for Burgesses to serve in Parliament for the Borough of *Boston* (in *Com. Lincoln*) resteth in the Commonalty, and not in the Mayor, Aldermen, and Common-Council.

Jovis, 20 die Martii, 1711.

2. *Resolved*, That it is the Opinion of this Committee, That the Right of Election of Members to serve in Parliament for the Borough of *Boston* in the County of *Lincoln*, is only in the Mayor, Aldermen, Common-Council and Freemen of the said Borough, resident in the said Borough, and paying Scot and Lot.

3. *Resolved*, That it is the Opinion of this Committee, that *William Coatsworth Esq;* is not duly elected a Burgess to serve in this present

present Parliament for the Borough of *Boston* in the County of *Lincoln*.

4. *Resolved*, That it is the Opinion of this Committee, that the honourable *Philip Bertie* Esq; is duly elected a Burgess to serve in this present Parliament for the said Borough.

The first and second Resolutions (*viz.* 2d and 3d *above*) being read a second time, were agreed unto by the House.

The third Resolution being read a second time,

5. The Resolution of the House of the 8th of *December* last, relating to Lords of Parliament, and Lord-Lieutenants of Counties, concerning themselves in the Elections of Members to serve for the Commons in Parliament; and also,

The Act of the 7th and 8th Years of her late Majesty's Reign, entitled, *An Act for preventing Charge and Expence in Elections of Members to serve in Parliament*, were read.

And the Question being put, That the House do agree with the Committee in the said Resolution,

It passed in the Negative.

6. *Resolved*, That the late Election for the said Borough of *Boston* is a void Election.

Mercurii, 2 die Martii, 1719.

7. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Boston* in the County of *Lincoln*, is only in the Mayor, Aldermen, Common-Council, and Freemen of the said Borough, resident in the said Borough, and who pay Scot and Lot, such Freemen claiming their Freedom by Birth or Servitude.

BRACKLEY.

Martis, 20 die Aprilis, 1714.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Brackley* in the County of *Norhampton*, is in the Mayor, Aldermen, and Burgeses of the said Borough.

N. B. *The Resolution of the Committee (which was amended by the House) had these Words more than the above Resolution, viz. residing in the said Borough.*

BRECON.

Martis, 1 die Aprilis, 1697.

1. There were two Indentures affixed to the Writ for the Town of *Brecon*; the first, between some Aldermen and Burgeses of one Part, and the Sheriff of the other; the second, between the Sheriff of one Part, and the Bailiff of that Borough of

BRIBERY and CORRUPTION. 75
of the other; whereby *John Jefferies* Esq;
was returned.

Resolved, That the Indenture wherein
John Jefferies Esq; is returned to serve in
this Parliament for the Borough of *Brecon*,
is well and duly returned, and by the pro-
per Officer; and that thereupon he ought
to sit, as well and duly returned to serve
in this Parliament for the said Borough of
Brecon.

BRIBERY and CORRUPTION.

See Privileges, Treating.

Veneri, 15 die Novembris, 1689.

1. Upon special Report from the Committee
of Privileges and Elections, of gross and no-
torious Bribery, at an Election for the Borough
of Stockbridge, in Com. Southampton;

Resolved, That *W. Montague* Esq; is not
duly elected a Burgess to serve in this
present Parliament for the said Borough of
Stockbridge.

2. *Resolved*, That *W. Strode* Esq; is not
duly elected a Burgess, &c.

3. *Resolved*, That the said Election is a
void Election.

4. Ordered, That *Richard Hewes*, the
Bailiff, *P. Robinson*, ——— Gatehouse, and
S. Hall, be sent for into Custody of the
Serjeant at Arms, for giving and taking
Bribes at the said Election.

26 BRIBERY and CORRUPTION.

5. *Resolved*, That *W. Montague Esq;* be disabled from being elected a Burgess to serve in this present Parliament for the said Borough of *Stockbridge*.

6. And a Debate arising touching the disfranchising the said Borough for ever hereafter from sending Burgesses to Parliament, and that instead thereof, two more Knights of the Shire be chosen for the County of *Southampton*;

Resolved, That the Debate be adjourn'd till Monday Morning next, Ten o'Clock.

Mercurii, 27 die Novembris, 1689.

7. A Petition of *R. Hewes, &c.* Inhabitants of *Stockbridge*, that they were sorry they had incurred the Displeasure of the House by encouraging the giving Money, and by other Irregularities at the late Election there; which they had not done, but that they were so near Ruin by the late King's Army continually quartering upon them, and praying the Consideration of the House, and to be discharg'd from their Confinement.

The Petitioners being called in, and severally reprov'd by Mr. *Speaker* for their Offences, were discharged, paying their Fees.

Mercurii, 20 die Decembris, 1693.

8. *Resolved*, That the said Election for the

B R I B E R Y and C O R R U P T I O N.

the said Borough of *Stockbridge*, is a corrupt and a void Election.

9. *Resolved*, That a Bill be brought in for disabling the said Borough of *Stockbridge*, to send Burgesses to serve in Parliament for the future.

And the said Bill was brought in the same Session, and read a first, and second Time, and committed.

Mercurii, 7 die Februarii, 1693.

10. A Petition of the Bailiff, Constable, and other Inhabitants of the said Borough of *Stockbridge* was presented to the House, and read, Praying that the Bill may be withdrawn, and that the ancient Frame and Constitution of the said Borough, in sending Members to Parliament may not be altered.

Resolved, That the said Petition be rejected.

Eodem die.

11. Another Petition of the Bailiff and Inhabitants of the Town of *Stockbridge* praying to be heard by their Council against the said Bill, was also rejected.

12. *And the Bill was afterwards engrossed, and read a third Time, but on the third reading, the Question being put, That the Bill do pass;*

It passed in the Negative. And afterwards,

43. BRIBERY and CORRUPTION.

Jovis, 19 die Aprilis, 1694.

13. A Motion being made, and the Question being put, that a Warrant be now directed to the Clerk of the Crown to make out a new Writ for the electing a Burgess, to serve in this present Parliament for the Borough of *Stockbridge* in the County of *Southampton*, in the Room of *Richard Whitehead Esq;*

It passed in the Negative.

Sabbati, 3 die Februarii, 1699.

14. Upon the Report of the Committee touching an Election for *Bishop's-Castle*,

Resolved, That the said Election is a void Election.

15. It appearing to this House, upon the said Report, that the Burgesses of the said Borough of *Bishop's Castle* have been notoriously guilty of Bribery in the said Election;

Resolved, That no Writ do issue during this Session for electing another Burgess for the said Borough.

25 die Februarii, 1700.

16. A Petition of some of the unbribed Burgesses of *Weobly*, &c. was referred to the Committee.

Mercurii, 12 die Martii, 1700.

17. Resolved, That it appears that Mr.

Samuel

BRIBERY and CORRUPTION. 19

Samuel Cutting hath endeavoured by Bribes and other indirect Practices to corrupt the Electors for the said Borough.

Ordered into Custody for the said Offence.

Lune, 17 die Martii, 1700.

18. *Resolved*, That the Electors of the Borough of *Andover* (in *Com. Southampton*) have endeavoured corruptly to set to sale the Election of a Burgess to serve in this Parliament for the said Borough.

19. *Resolved*, That the lending of Money upon any Security to a Corporation which sends Members to Parliament, and remitting the Interest of the same, with Intent to influence the Election of such Corporation, is an unlawful and dangerous Practice.

Mercurii, 19 die Martii, 1700.

20. *Resolved*, That *Sir Edward Seymour*, Baronet, has made good his general Charge against *Samuel Sheppard*, Sen: Esq; of Bribery and Corruption, &c.

21. *Resolved, Nemine Contradicente*, That the Thanks of the House be given to *Sir Edward Seymour*, Bart. a Member of this House, for the great Service he hath done the Publick in detecting the Bribery and Corruption which hath been practised in the Elections of several Members to serve in this present Parliament.

Mer.

20 BRIBERY and CORRUPTION.

Mercurii, 16 die Aprilis, 1701.

22. Mr. Samuel Sheppard, Sen. was expelled the House, and remanded to the Tower.

Sabbati, 28 die Octobris, 1702.

23. The House being informed, that George Morley Esq; a Member of this House, hath been guilty of Bribery, in relation to his Election for the Borough of *Hindon* in the County of *Wilts*; and he not being in the House;

Ordered, That the said Mr. Morley do attend in his Place upon Tuesday Morning next.

Veneris, 27 die Novembris, 1702.

24. The House proceeded to the Hearing of the Matter of the Charge of Thomas Jervoise Esq; against George Morley Esq; and of the Petition touching the Election for the Borough of *Hindon* in the County of *Wilts*. ———

And the Question being put, that George Morley Esq; is duly elected a Burgess to serve in this present Parliament for the Borough of *Hindon* in the County of *Wilts*;

It passed in the Negative.

25. Ordered, That Leave be given to bring

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bring in a Bill for the Disfranchising the Borough of *Hindon* in the County of *Wilts*, from electing Members to serve in Parliament; and that Mr. *Harley*, the Lord *Mordaunt*, and Mr. *Scobel*, do prepare and bring in the same.

Martis, 8 die Decembris, 1702.

26. *Resolved*, That the late Election of Burgesses for the said Borough of *Maidstone*, is a void Election.

27. *Resolved*, That no Warrant do issue, during this Session of Parliament, for the making out a new Writ for the electing Burgesses for the said Borough of *Maidstone*.

28. *Resolved*, That *Gervas Hely* is guilty of indirect and corrupt Practices, in order to the procuring Members to be elected to serve in Parliament for the said Borough of *Maidstone*.

29. *Ordered*, That the said *Gervas Hely* be, for his said Offence, taken into Custody.

Martis, 1 die Februarii, 1708,

30. *Resolved*, That it appears to this House, that Mr. *William Burslem* is guilty of Bribery and indirect Practices, &c.

31. *Ordered*, That the said Mr. *William Burslem* be, for his said Offences, taken into

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into Custody of the Serjeant at Arms attending this House.

Sabbati, 18 die Junii, 1715.

32. *Resolved*, That it appears to this House, that *Simon Gough* is guilty of distributing Money in order to procure *Paul Foley Esq;* to be elected a Burgess to serve in this present Parliament for the Borough of *Weobly* in the County of *Hereford*.

33. *Ordered*, That the said *Simon Gough* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending the House.

Jovis, 4 die Februarii, 1724.

34. The House proceeded (according to Order) to take into Consideration the Matter of the Complaint (made to the House the 23d Day of *January* last) that there had been some undue Practices in relation to the compromising the Election for the Borough of *Stafford*, before the Merits of the said Election were heard before the Committee of Privileges and Elections.

And several Witnesses were called in and examined at the Bar ; and then they withdrew.

Resolved, That it appears to this House, that divers indirect and corrupt Practices have been used in order to compromise the Election

BRIBERY and CORRUPTION. 23

Election for the Borough of *Stafford*, before the same was heard before the Committee of Privileges and Elections.

35. *Resolved, Nemine Contradicente*, That it appears to this House, that *Francis Elde Esq;* (a Member of this House) has been guilty of the said indirect and corrupt Practices, highly reflecting upon the Honour and Justice of Parliament.

36. *Resolved, Nemine Contradicente*, That the said *Francis Elde Esq;* (a Member of this House) be, for his said Offence, expelled this House.

Sabbati, 8 die Martii, 1728.

37. *Resolved, Nemine Contradicente*, That the Agents for *Ellerker Bradshaw Esq;* have been guilty of notorious and scandalous Bribery and Corruption, in order to procure the said Mr. *Bradshaw* to be elected a Burgess to serve in this present Parliament for the Borough of *Beverley* (in *Com. Ebor.*)

38. *Ordered*, That *John Eleanor*, one of the said Agents, be, for his said Offence, committed Prisoner to his Majesty's Goal of *Newgate*; and that Mr. *Speaker* do issue his Warrant accordingly.

The like Orders upon Three others of the said Agents.

39. *Hitherto, under this Title, the Reader has*

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has met variety of Instances, in what Detestation Bribery has been held, and with what Severity punished by many different Houses of Commons. Since all these Examples, there has been superadded an Act of Parliament, viz. Stat. 2. G. 2. chap. 24. By which 'tis Enacted, That every Voter, before he is admitted to Poll, on demand of one Candidate, or any two Electors, shall swear as follows; I A. B. do swear, (or being a Quaker, I A. B. do solemnly affirm) I have not received, or had, by myself, or any Person in trust for me, or for my Use and Benefit directly or indirectly, any Sum or Sums of Money, Office, Place, or Employment, Gift, or Reward, or any Promise or Security, for any Money, Office, or Employment, or Gift, in order to give my Vote at this Election, and that I have not before been polled at this Election. And the Returning Officer is to administer the said Oath or Affirmation, Gratis, if demanded, on pain of fifty Pounds to him that will sue for the same, with full Costs. And if he admits any Person to be polled without taking such Oath or Affirmation, if demanded, he forfeits 100 l. with full Costs; and such Voter incurs the same Penalty.

40. *By the same Statute, the Returning Officer, immediately after the Reading the Writ or Precept, shall take and subscribe*

the following Oath ; I A. B. do solemnly swear, that I have not, directly nor indirectly, received any Sum or Sums of Money, Office, Place or Employment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promise or Gratuity whatsoever ; either by myself or any other Person to my Use, or Benefit, or Advantage, for making any Return at the present Election of Members to serve in Parliament ; and that I will return such Person or Persons, as shall, to the best of my Judgment, appear to me to have the Majority of legal Votes. The said Oath to be administered by any Justice of Peace of the County, City, &c. where the Election is, or in his Absence by any three Electors, and to be entered among the Records of the Sessions of such County, &c.

41. If any Officer, Elector, or Person taking the said Oath or Affirmation, shall be guilty of wilful and corrupt Perjury, or false affirming, he shall suffer as for corrupt Perjury. *ibid.*

42. No Person convicted of wilful and corrupt Perjury, or Subornation, shall be capable of voting. *ibid.*

43. If any Person claiming a Right to vote, shall ask, receive, or take any Money or other Reward, by way of Gift, Loan, or other Device, or agree and contract for any Money, Gift, Office, Employment,

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ployment, or other Reward whatsoever, to give his Vote, or to refuse or forbear to give his Vote; or if any by himself, or any employed by him, shall by any Gift, Reward, Promise, Agreement, or Security for any Gift or Reward, corrupt or procure any Person to vote, or forbear voting, the Offender forfeits 500 *l.* with full Costs, and every Offender in the Cases aforesaid, after Judgment against him, or other lawful Conviction, incurs perpetual Disability to vote in any Election of Members, and to hold any Office or Franchise in any City, Borough, &c. *ibid.*

44. If any Offender against this Act shall within twelve Months next after such Election, discover any other Offender, so as to be convicted, the Discoverer not having been before convicted of offending against this Act, shall be indemnified from the Penalties and Disabilities aforesaid. *ibid.*

45. The Returning Officer is to read or cause to be read openly this Act at the Time of Election, immediately after the Reading of the Writ or Precept, forfeits 50 *l.* with full Costs for every wilful Offence contrary to this Act: Prosecution to be commenced within two Years after the Offence, and carried on without wilful Delay. *ibid.*

46. By Stat. 9 G. 2. chap. 38. No Per-

BRIDPORT, &c.

27

son is to be liable to any Incapacity, &c. By Stat. 2 G. 2. *above*, unless he be actually and legally arrested, summoned, or otherwise served with Writ or Process, within two Years after the Offence committed, so as the Service of such Process be not prevented by such Person's absconding out of the Kingdom.

BRIDPORT.

Sabbati, 2 Aprilis, 4 C. 1. 1628.

1. *Resolved*, That the Commonalty in general (*of the Borough of Bridport in Com. of Dorset*) ought to have Voices in the Election of Burgesses for Parliament.

2. *Resolved*, That it is a void Election, in respect of the want of Warning to the Commonalty.

BRISTOL.

Martis, 15 die Aprilis, 1735.

1. *Upon a Hearing for Bristol, these Pieces of Evidence were produced as to the Right of Election, viz.*

A Charter of E. 3. to the Burgesses of the Town of Bristol, 8 August, 40 E. 3. Part read.

Copies of several Returns, &c.

Copies of Letters Patent. 4to Junii, 34 H. 8. D 2 Copies

Copies of other Returns.

Charter to the Mayor and Commonalty of the Town of *Bristol*, 17 December, 15 H. 7. *Part read.*

Charter to the Burgeses of *Bristol*, 28 May, 28 E. 1. *Part read.*

The Usage of the City and County, in the Election of several Officers was examined into.

Martis, 22 die Aprilis, 1735.

2. The Petitions were withdrawn, and the Order for the further Hearing discharged.

BUCKINGHAM.

Martis, 11 die Novembris, 1699.

1. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Buckingham* (in Com. Bucks) is in the Bailiff and twelve Burgeses of *Buckingham* only.

Martis, 27 die Aprilis, 1714.

2. *Resolved*, That *John Muscott* is not qualified according to the Act of Parliament for the well governing and regulating of Corporations, to be a principal Burgess of the Borough of *Buckingham*, in the County of Bucks.

3. *The like Resolution passed against three more of the same Place.*

BURY

BURY ST. EDMUNDS.

Martis, 27 die Aprilis, 1714.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Bury St. Edmunds* in the County of *Suffolk*, is in the Aldermen, twelve capital Burgesses, and twenty-four Burgesses of the Common-Council of the said Borough.

CALNE.

Veneris, 22 die Decembris, 1710.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Inhabitants of the said Borough, having a Right of Common, and being sworn at *Ogborn-Court*.

Martis, 25 die Februarii, 1723.

2. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the ancient Burgesses of the said Borough only.

3. *Resolved*, That the Right of returning Burgesses to serve in Parliament for the Borough of *Calne*, in the County of *Wilts*, is in the Guild-Stewards of the said Borough.

CAMBRIDGE.

Jovis, 9 die Februarii, 1709.

1. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Town of *Cambridge*, is in the Mayor, Bailiffs, and Freemen not receiving Alms.

Veneris, 27 die Maii, 1715.

2. Mr. *Hampden* (according to Order) reported from the Committee, &c.

Resolved, That it is the Opinion of this Committee, that the Mayor, Bailiffs, and Burgeſſes of the Town of *Cambridge*, may hold a ſummon'd Common-day Court, and admit Freemen without ſix Aldermen of the ſaid Town being then preſent.

Resolved, &c.

Resolved, &c.

The firſt Reſolution (*viz.* the 2d above) being read a ſecond Time, and the Queſtion being put, that the Houſe do agree with the Committee in the ſaid Reſolution;

It paſſed in the Negative.

CAMELFORD.

Martis, 8 die Maii, 1711.

1. *Resolved*, That Mr. *Edward Cloake* is legal Mayor of the Borough of *Camelford*,

ford, in the County of *Cornwall*, and ought to make the Return of a Burgeſſ to ſerve in this preſent Parliament for the ſaid Borough.

CAPACITY.

See *Coroner, Offices, Qualification.*

1. By *Stat. 7 and 8 W. 3. ch. 25.* No Perſon is capable of being elected a Member to ſerve in Parliament who is not of the Age of Twenty-one Years, and every ſuch Election and Return is declared null and void; and if he ſits, he incurs Penalties as if not choſen.

2. By *Stat. 12 W. 3. ch. 2.* An Alien, though naturalized, unleſs he be born of *Engliſh* Parents, is incapable of being a Member of either Houſe of Parliament. See *Alien.*

3. By *Stat. 13 and 14 W. 3. ch. 6.* If any Member of the Houſe of Commons votes or ſits after the *Speaker* is choſen, without taking the Oaths of Allegiance and Supremacy, (which are altered by 1 *W. and M.*) and repeating the Declaration in the ſaid Act, in the full Houſe, the *Speaker* in his Chair, he ſhall be adjudged a Popiſh Reſuſant convict, and forfeit 500 *l.* And Perſons reſuſing the ſaid Oaths and Declaration when required by the Houſe, and preſuming

suming to sit, shall be incapable to sit or vote during that Parliament.

Note, by Stat. 30 C. 2. ch. 1. *Recusants are made incapable.*

4. The Stat. 13 and 14 W. 3. ch. 6. enjoins the Abjuration Oath with like Penalties, which Oath is settled as to the Form, by 4 Ann. ch. 8.

Luna, 21 die Decembris, 1696.

5. *Resolved, Nemine Contradicente, That Henry Fairfax Esq; having, contrary to the late Act of Parliament, expended Money in order to his Election, to serve in this present Parliament for the Borough of Aldborough in the County of York, since the Vacancy thereof by the Death of Sir Michael Wentworth, is disabled and incapacitated upon the said Election to serve as a Burgess for the said Borough.*

Mercurii, 27 die Januarii, 1696.

6. *Resolved, That during this Session of Parliament, no Warrant for a new Writ do issue for the electing a Burgess to serve in this present Parliament for the said Borough of Aldborough, in the room of Sir Michael Wentworth Bart. deceased.*

7. Note, *In the next Session the House did not order a new Writ until the Borough petitioned,*

petitioned, acknowledging, &c. See the Votes, Veneris, 3 die Dec. 1697, and Jovis, 30 die Dec. 1697.

Jovis, 6 die Martii, 1711.

8. The Order of the Day being read, for taking into Consideration the Merits of the Petition of the Freemen and Free-Burghers of the Borough of *King's-Lynn* in the County of *Norfolk*;

And a Motion being made, and the Question being put, that Counsel be called in,
It passed in the Negative.

9. Then the Writ for electing a Burgess for the said Borough in the Room of *Robert Walpole Esq;* expelled this House; and also the Sheriff of *Norfolk's* Precept thereupon, and the Indenture of the Return between the said Sheriff, and the Mayor and Burgeses of the said Borough, were read.

Resolved, That Robert Walpole Esq; having been this Session of Parliament committed a Prisoner to the Tower of *London*, and expelled this House for an high Breach of Trust in the Execution of his Office, and notorious Corruption, when Secretary at War, was, and is incapable of being elected a Member to serve in this present Parliament.

10. *Resolved, That the late Election for*

a Burgess to serve in this present Parliament for the said Borough of *King's-Lynn*, in the County of *Norfolk*, is a void Election.

CARDIGAN.

See *Qualification*.

Jovis, 7 die Maii, 1730.

1. *Resolved*, That the Burgesses of the Borough of *Tregaron* have not a Right to vote in the Election of a Burgess to serve in Parliament for the Town of *Cardigan*.

2. *Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Town of *Cardigan*, in the County of *Cardigan*, is in the Burgesses at large of the Boroughs of *Cardigan*, *Aberystwith*, *Lampeter* and *Aspar* only.

CARMARTHEN.

Martis, 19 die Martii, 1727.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Carmarthen* is in the Burgesses of the said Borough.

Sabbati, 23 die Martii, 1727.

2. *Resolved*, That the Execution of the Writ for electing a Burgess to serve in Parliament

liament for the County-Borough of *Carmarthen*, and the making a Return thereof, are in the two Sheriffs of the said Borough jointly.

CHEPING-WICOMBE.

Jovis, 17 die Martii, 1725.

1. *Resolved, Nemine Contradicente*, That it appears to this House, that in an Entry of Burgesses made at the Borough of *Cheping-Wicombe* in the County of *Bucks*, dated the 20th of *May* 1717, there has been an Erasure lately made, and the Name of Captain *Pyet* inserted, without any legal Authority.

2. *Resolved, Nemine Contradicente*, That it appears to this House, that in an Entry of Burgesses made at the said Borough of *Cheping-Wicombe*, dated the 26th of *September* 1723, an Erasure has been lately made, whereby the Name of *David Skilfore*, a Burgess of the said Borough, is erased.

3. *Resolved, Nemine Contradicente*, That *Sampson Tresley* and *John Widiner*, who were admitted to vote at the late Election of a Burgess to serve in this present Parliament for the said Borough of *Cheping-Wicombe* (having no Pretence to be Burgesses of the said Borough, but under a Charter of King
James

James the Second, which was never accepted or enrolled) have no Right of voting in Elections of Burgesses to serve in Parliament for the said Borough.

CHESHIRE and CHESTER.

1. *Stat. 34 and 35 H. 8. ch. 13.* gives the County Palatine of *Chester* and City of *Chester*, a Right to send two Knights and two Citizens, to be chosen by Process to be awarded by the Lord Chancellor of *England* to the Chamberlain of *Chester*, his Lieutenant or Deputy, who is to make Process to the Sheriff of the County. The Laws in Force, as to Elections in other Counties, to take place here.

2. By *Stat. 10 Ann. ch. 23.* The Sheriff of this County, against every Election of a Knight or Knights, is to cause seven convenient Tables or Places, and no more, to be made at the Costs and Charges of the Candidates, within the Shire-Hall, for taking the Poll; viz. two at the Upper-end, two at each Side, and one at the Lower-end, and shall at such Places take the Poll till it is concluded.

CIRENCESTER.

Martis, 4 die Novembris, 1690.

1. *Resolved*, By the Committee, that the
Inha-

Inhabitants of the Borough of *Cirencester* (in *Com. Gloucester*) receiving a charitable Donative, commonly called *By-Money*, have not a Right to vote in electing Burgesses to serve in Parliament.

2. *Resolved*, That the Inhabitants of the Borough of *Cirencester* being Inmates, have no Right to vote in electing Burgesses to serve in Parliament.

Upon the Question, the House did not agree unto the first Resolution, but agreed unto the second.

Jovis, 8 die Decembris, 1709.

3. The Question being put, that the Inhabitants of the *Abby*, the *Emery*, and the *Spiningate-Lane*, (not receiving Alms) have a Right to vote in electing Members to serve in Parliament for the Borough of *Cirencester*, (*Com. Gloucester*),

It passed in the Negative.

COLCHESTER.

Sabbati, 28 die Martii, 1696.

1. The Committee reported, That the Right of Election for Colchester, in the County of *Essex*, was agreed to be in the sworn Burgesses, not receiving Alms.

Sabbati, 27 die Januarii, 1710.

2. *Resolved*, That the Mayor of the Bo-
E rough

rough of *Colchester*, in the County of *Essex*, cannot make Foreigners free of the said Borough, without consent of the Majority of the Aldermen and Common-Council.

Jovis, 6 die Maii, 1714.

3. *Resolved*, That the Right of making Foreigners (not having a Right of Freedom by Birth or Service) Freemen of the Borough of *Colchester*, in the County of *Essex*, is in the Mayor and free Burgesses of the said Borough, in Common-Hall assembled.

CORONER.

Veneris, 11 die Januarii, 1694.

1. *Resolved*, That *Jasper Mawdit Esq;* is duly elected a Burgess to serve in this present Parliament, for the Borough of *Liverpool* in the County of *Lancaster*.

2. *Resolved*, That Mr. *Alexander Norris*, Mayor of the Borough of *Liverpool* in the County of *Lancaster*, having taken upon him to judge, that *Jasper Mawdit Esq;* being Coroner of the said Borough, was incapable to be elected a Burgess to serve in Parliament (altho' duly chosen) and having made a false Return of *Thomas Brotherton Esq;* to serve as a Burgess for the said Borough, hath therein violated the Rights of the

the Commons of *England*, and broken the Privileges of this House.

3. *Resolved*, That the said *Alexander Norris*, for the said Misdemeanor, be sent for in Custody of the Serjeant at Arms attending this House.

COSTS and EXPENCES.

See *Petition* vexatious.

Sabbati, 9 die *Martii*, 1699.

1. A *Petition* of *Thomas Hawksly* and *Roger Hunt*, Overseers for the Poor of *Nottingham*, was presented to the House and read, praying, that they may be relieved for their Charges in coming to Town, their Expences here, and returning home, being summoned to attend the Committee of Privileges and Elections by *George Gregory* Esq; Petitioner against *Robert Sachaverel* Esq;

Ordered, That the said Mr. *Gregory* do pay the Petitioners their reasonable Charges, to be settled by the Chairman of the said Committee.

Sabbati, 22 die *Martii*, 1711.

2. A Complaint being made to the House, that Mr. *John Cunningham* was summoned in behalf of Major-General *Hamilton* to

attend the Committee of Privileges and Elections, to testify his Knowledge touching the late Election of a Member to serve in Parliament for the Burghs of *Pittenweem, Anstruther-Easter, Anstruther-Wester, Crail,* and *Kilrenny*, that Major-General *Hamilton* refuses to pay him his reasonable Charges for his Journey and Attendance. And a Copy of the said Summons being brought up to the Table and read,

Ordered, That the said *John Cunningham* have his reasonable Charges for his Journey, and Attendance on the said Committee; and that the same be ascertained by the Chairman of the said Committee.

Jovis, 8 die Septembris, 1715.

4. A Petition of *Anne Cater* of *Easton* in the County of *Bedford*, Widow, *John Purton* of *Kempston*, *James Coot* of *Eaton Sacon*, and *Stephen Norman* of *Felmersham* in the County of *Bedford*, was presented to the House and read, praying that they may be relieved for their Charges in coming up and staying in Town (being summoned up as Witnesses by *John Harvey Esq;*) to attend the hearing the Merits of the Election for the County of *Bedford*, at the Bar of the House, they having desired him to give them reasonable Satisfaction, which he hath refused to do.

Ordered,

3 E

Ordered,

Ordered, That the said Mr. *Harvey* do pay the Petitioners their reasonable Charges, to be settled by Mr. *Speaker*.

Martis, 18 die Junii, 1717.

4. A Petition of *Thomas Prowse*, Steward of the Manor of *Minehead*, in the County of *Somerset*, was presented to the House and read, complaining that he was required by Warrant from Mr. *Speaker*, to permit *George Speke* Esq; or his Agents, to inspect the Court-Rolls, and other Records of the said Manor, and to take out such Copies and Notes therefrom as they should think fit, and to attend this House the thirteenth Instant with the said Court-Rolls, and Records; and that he did produce the said Court-Rolls, and did appear and was examined: but that the said Mr. *Speke's* Agent refuseth to give him reasonable Satisfaction for the same; and praying that he may be relieved therein.

Ordered, That the said *Thomas Prowse* be paid his reasonable Charges to be settled by Mr. *Speaker*.

COVENTRY.

Martis, 24 die Februarii, 1701.

1. *Resolved*, That the Freemen of *Coventry* receiving Alms or Charity, have no

Right to vote in the Election of Citizens to serve in Parliament for the City of Coventry.

Martis, 1 die Martii, 1708.

On a Hearing.

2. A Book being produced (alledged to be a Book of the Company of Fullers in the City) to prove that they are a Company or Corporation within the said City;

A Motion being made, and the Question being put, that the said Book be received as Evidence,

It passed in the Negative.

3. *Resolved*, That the Right of electing Citizens to serve in Parliament for the City of Coventry, is in such Persons who have served Apprenticeships for seven Years within the City, to one and the same Trade, not receiving Alms or constant Charities.

4. The Petitioners Council proceeding in order to disqualify several of the Sitting Member's Votes, upon account of their having received Parish Charities; and the Sitting Member's Council insisting, that they have not been able to make any Discovery of what Persons (on the Petitioners Part) have received the Charities of the Sacrament-Money and Bread-Money, so as to make Objections to the Petitioners Votes, upon

upon that Account, the Minister and Church-wardens alledging, they kept no Account of the same, and Witnesses being examined in relation to that Matter:

A Motion being made and the Question being put, that the Petitioners Council be admitted to give Evidence to disqualify any of the Sitting Members Votes, upon account of receiving Sacrament-Money, or Bread-Money;

It passed in the Negative.

5. A Motion being made, and the Question being put, that Persons receiving Sir *Thomas White's* Gift, are thereby disabled from giving their Votes in electing Citizens to serve in Parliament for the City of *Coventry*;

It passed in the Negative.

Jovis, 3 die Martii, 1708.

6. A Motion being made, and the Question put, that Persons receiving *Thomas Wheatly's* Gift, are thereby disabled from giving their Votes in electing Citizens to serve in Parliament for the City of *Coventry*;

It passed in the Negative.

Jovis, 13 die Martii, 1711.

7. Resolved, That the Members of the Company of Fullers of the City of *Coventry*, being Freemen, not receiving Alms, or
3 Weekly

Weekly Charity, have a Right to vote in the Elections of Members to serve in Parliament for the said City.

8. *Resolved*, That such Freemen of the City of *Coventry*, as do not receive Alms, or Weekly Charity, and have served seven Years Apprenticeship within the said City, or the Suburbs thereof, have a Right to vote in the Elections of Members to serve in Parliament for the said City.

Lunæ, 19 die Novembris, 1722.

9. *Resolved*, That the sitting Member's Counsel be admitted to give Evidence touching the Qualification of such Persons as have a Right to vote in the Elections of Citizens to serve in Parliament for the City of *Coventry*.

Martis, 20 die Novembris, 1722.

10. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Coventry*, is in such Freemen as have served seven Years Apprenticeship to one and the same Trade in the said City or the Suburbs thereof, and do not receive Alms, or Weekly Charity, such Freemen being duly sworn and enrolled.

Martis, 22 die Martii, 1736.

On a Hearing.

11. *The next foregoing Resolution* (of 20th November

November 1722) was read, and also

The standing Order of 16th of January 1735, for restraining Counsel from offering Evidence touching the Legality of Votes contrary to the last Determination of the House of Commons.

See Title RIOTS, of this Date.

CRICKLADE.

Sabbati, 22 die Februarii, 1695.

1. The Committee reported, That it was agreed that the Right of Election for the Borough of Cricklade (in Com. Wilts) was in the Freeholders, Copyholders, and Leaseholders, for not less than three Years.

2. There is not in the printed Votes of that Day any mention of the Right of Election: But there is a Resolution, That the Petition of the Burgesses complaining of an undue Election for the said Borough is vexatious, frivolous, and groundless.

DARTMOUTH.

alias CLIFTON-DARTMOUTH.

HARDNESS.

Jovis, 28 die Novembris, 1689.

1. The Committee reported, that it appeared the Right of Election for the Borough

rough of *Dartmouth* alias *Clifton-Dartmouth-Hardness* (in *Com. Devon.*) was in the Freemen of the said Borough.

2. *Resolved*, *Nemine Contradicente*, That 25 new Freemen, made after the Writ bore Teste, were not duly nor legally made, agreed to by the House.

3. *Ordered*, That Mr. *Whitrow*, the late Mayor, be taken into Custody for his Misdeameanors in making the said Freemen.

DEVIZES.

Sabbati, 29 die *Martii*, 1690.

1. A double Return for the Borough of *Devizes* (in *Com. Wils.*) one by the Mayor without any Burgessees joining in the Return; the other by several of the Burgessees without the Mayor.

Resolved, That Sir *Thomas Fowles* and *Walter Grubb* Esq; returned by the Mayor, are duly returned to serve in this present Parliament for the Borough of the *Devizes*.

DORCHESTER.

Martis, 17 die *Maii*, 1720.

1. *Resolved*, That that Part of the Parish called the *Holy Trinity*, alias *Dorchester Trinitatis*, which was formerly the Parish of *Froome Whitfield*, is no part of the Borough of *Dorchester* in the County of *Dor.*

2. *Resol-*

2. *Resolved*, That the Tithing of *Collington Row*, within the Parish of the *Holy Trinity*, alias *Dorchester Trinitatis*, is no part of the Borough of *Dorchester* in the County of *Dorset*.

Mercurii, 18 die *Martii*, 1720.

3. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the Borough of *Dorchester* in the County of *Dorset*, is in the Inhabitants of the ſaid Borough, paying to Church and Poor, in reſpect of their perſonal Eſtates; and in ſuch Perſons as pay to Church and Poor, in reſpect of their real Eſtates within the ſaid Borough.

4. *And Thomas Pitman*, the Mayor, was ordered into cuſtody for illegal and arbitrary Practices at the Election.

D O V E R.

Martis, 1 die *Aprilis*, 1679.

I. The Writ was directed, *Conſtabulario Caſtri Dover ac Cuſtod. quinque Portuum vel ejus Locumtenenti ibidem*; endorsed thus, *Executio iſtius Brevis patet in quibuſdam Sche- dulis huic Brevi annex.—Reſponſio Johannis Strode Arm. Locumtenentis Domini Regis Ca- ſtri Dover, &c.*

To the Writ was affixed,

1. A Precept made by the ſaid *John Strode*

Strode Esq; to the Mayor, Jurats, and Commonalty of the Town and Port of *Dover*, &c. to choose two Barons, which Precept was endorsed thus; *Executio istius mandati patet in quadam Indentura huic Præcepti. annex. per Major. Jurat. & Communitas. Ville & Port. de Dover prædict. in Comitatu prædict.*

There was also affixed to the said Writ an Indenture between the said *John Strode* of one Part, and the Mayor, Jurats and Commonalty of *Dover* of the other Part, witnessing, that they had chosen *William Stokes* and *Thomas Papillion* Esqs; &c. in witness whereof they had caused their common Seal to be affixed thereto; and accordingly a large Seal was affixed to the said Indenture.

There was also affixed to the said Writ a Writing purporting an Indenture, but made between no body; witnessing, that the Mayor, Jurats, and Barons of the Town and Port of *Dover*, in a full Hundred there; that is to say, *George West*, Deputy-Mayor, *J. V.* and *A. W.* Jurats, Five of the Common-Council, and Ten others stiled Barons of the said Port, have chosen *Thomas Papillion* Gent. and *John Strode* Esq; our Common-Barons: In Witness whereof We, the Mayor, Jurats, and Barons of the Port aforesaid, have put our Hands and Seals.

'Twas

'Twas subscribed by *George West*, Deputy-Mayor, and Seventy others, and eighteen Seals affixed at the Bottom; but no great or common Seal to it, or mentioned so to be.

Resolved, That the Indenture wherein *William Stokes Esq;* and *Thomas Papillion Esq;* are returned, &c. is well and duly returned, and by the proper Officer; and that thereupon they ought to sit as duly returned, to serve in this Parliament for the said Town and Port of *Dover*.

DROITWICH.

Martis, 11 die Novembris, 1690.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Droitwich*, (in *Com. Worcester*) is in the Burgesses of the Corporation of the Salt-springs of *Droitwich*.

DUMBARTON.

Sabbati, 23 die Januarii, 1724.

1. *Resolved, Nemine Contradicente*, That any Conveyance of undivided Shares of the Superiority of any Lands in the Shire of *Dumbarton*, in order to multiply Votes, or split an Interest in such Superiority amongst several Persons, with a view to enable them to vote, is contrary to the Act of Parliament made in *Scotland* in 1681, intituled, *An*

Act concerning the Election of Commissioners for Shires.

2. *Resolved, Nemine Contradicente*, That no Person claiming a Right by Purchase to an undivided Part of the Superiority, of any Lands where the Extent of the Lands, of which he claims the Superiority, is not particularly specified, and the Land distinguished by the Charter by which he claims a Vote, has any Right to vote in the Election of a Commissioner to serve in Parliament for the Shire of *Dumbarton*.

DUNWICH.

Martis, 8 die Decembris, 1691.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Dunwich* in the County of *Sussex*, is not in the Freemen of the said Borough, commonly called Out-fitters, as well as in the Freemen inhabiting within the said Borough.

2. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Dunwich*, is only in the Freemen inhabiting within the said Borough.

Lune, 25 die Novembris, 1695.

3. *Resolved*, That the Right of Election of Burgesses to serve in this present Parliament for the Borough of *Dunwich* in the County

County of *Suffolk*, is in the Freemen of the said Borough commonly called Out-sitters, as well as in the Freemen inhabiting within the said Borough.

Sabbati, 5 die Februarii, 1708.

4. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Dunwich*, (*in Com. Suffolk*) is only in the Freemen inhabiting within the said Borough, not receiving Alms.

DURHAM.

1. *Stat. 25 Car. 2. ch. 9.* Enables the County of *Durham* to send two Members, and the City two. The Election of the County to be as in other Counties: The Election for the City to be by the major Part of the Mayor, Aldermen, and Freemen present at the Election.

EAST-GRINSTEAD.

Lunæ, 7 die Aprilis, 1679.

1. *Resolved*, That the Borough of *East Grinstead*, in the County of *Sussex*, is an ancient Borough by Prescription.

2. *Resolved*, That the Inhabitants, as well as the Burgage-holders of the said Borough, have Right to Vote in Elections of Members to serve in Parliament for the said Borough.

Jovis, 9 die Februarii, 1695.

3. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *East-Grinstead*, is not in the Burgage-holders and Inhabitants of the said Borough.

4. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the said Borough is in the Burgage-holders only.

EAST-RET FORD.

Martis, 15 die Aprilis, 1701.

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *East-Retford*, in the County of *Nottingham*, is as well in the Burgesses non-resident, as in the Burgesses resident within the said Borough.

Agreed to by the House.

Martis, 17 die Martii, 1701.

2. *Resolved*, That the younger Sons of Freemen of the Borough of *East-Retford*, (in *Com. Nottingham*) have not a Right to demand their Freedom of the said Borough.

Sabbati, 28 die Novembris, 1702.

3. *Resolved*, That Persons not inhabiting
in

in the Borough of *East-Retford* in the County of *Nottingham*, are incapable of being made Free of the said Borough by Redemption.

4. *Resolved*, That all the Sons of Freemen of the Borough of *East-Retford*, have a Right to the Freedom of the said Borough.

Jovis, 17 die Januarii, 1705.

5. *Resolved*, That the Right of electing Burgesses to serve in Parliament, for the Borough of *East-Retford*, in the County of *Nottingham*, is in such Freemen only, as have a Right to their Freedom by Birth, as eldest Sons of Freemen, or by serving seven Years Apprenticeship, or have it by Redemption, whether inhabiting, or not inhabiting in the said Borough at the Time of their being made Free.

Jovis, 11 die Januarii, 1710.

6. *Resolved*, That the Right of electing Burgesses to serve in Parliament, for the Borough of *East-Retford* in the County of *Nottingham*, is in such Freemen only, as have a Right to their Freedom by Birth, as eldest Sons of Freemen, or by serving seven Years Apprenticeship, or have it by Redemption, inhabiting in the said Borough, at the Time of their being made Free.

ELECTORS.

See the next following Title, and see

FREE-HOLDERS, and SCOTLAND.

1. By *Stat. 7 and 8 W. 3. c. 25.* No Person whatsoever, being under the Age of Twenty-one Years, shall be admitted to give his Voice for the Election of any Member to serve in Parliament.

2. By *Stat. 7 and 8 W. 3. ch. 27.* Every Elector, if required, shall, instead of the Oaths of Allegiance and Supremacy, take the Oath appointed by *Stat. 1 W. and M. c. 1.* and shall also make and subscribe the Declaration, appointed by *Stat. 30 C. 2. c. 1.* and (by *Stat. 4. Ann. c. 8.*) the Oath of Abjuration.

See Oaths.

3. By *Stat. 1 G. 2. Sef. 1. ch. 7.* Quakers in all these Cases are allowed Affirmation instead of an Oath.

4. By *Stat. 1 G. 2. c. 24.* Every Voter shall take the Oath (which see in Bribery) if demanded by a Candidate, or any two Electors.

ELECTORS,

For Cities and Boroughs in

SOUTH-BRITAIN.

1. By Statute 23 *H. 6. c. 15.* Citizens
are

are to be chosen by Citizens of the same City, and Burgesſes by Burgesſes of the ſame Borough. *But this muſt be underſtood with a great Latitude of Conſtruction; for, in ſome places, Freedom; in ſome, Freeholds; in ſome, Inhabitancy, &c. (and theſe greatly diverſify'd) and in ſome, two or more of theſe, give a Right of Chooſing. The Charter, or Preſcription gave the Right: But the ſure and ſafe Rule for the Returning Officer is,*

2. Stat. 2 G. 2. ch. 24. which Enacts, That ſuch Votes ſhall be deemed legal, which have been ſo declared by the laſt Determination in the Houſe of Commons; which ſhall be final to all Intents and Purpoſes, &c. See for each City, &c. under its own Name.

EVIDENCE.

See Witneſſes.

Jovis, 16 die Januarii, 1695.

Hertford County.

1. *Resolved*, That Evidence ought not to be admitted to diſqualify an Elector as no Freeholder, who at the Election ſwore himſelf to be a Freeholder.

Jovis, 16 die Januarii, 1695.

On a Petition for the County of Surrey.

2. *Resolved*, That Evidence ought not to be

be admitted to disqualify an Elector as no Freeholder, who at the Election swore himself to be a Freeholder.

On a Hearing concerning an Election for Abingdon.

Jovis, 20 die Januarii, 1708.

4. A Motion being made, and the Question being put, that *John Holmes* (one of the Serjeants of *Abingdon*) be now admitted to give Evidence ;

It passed in the Negative.

Martis, 8 die Februarii, 1708.

5. *Resolved*, That *John Soley Esq;* being named Recorder in the new Charter granted by her Majesty to the Town of *Bewdley*, (in *Com. Worcester*) be admitted an Evidence to prove the Acts of the Corporation before that Charter was granted.

Martis, 16 die Januarii, 1710.

On the Hearing of the Merits of the Election for the County of *Rutland*,

6. *Resolved*, That the Petitioner be admitted to give Parol Evidence of the Mortgage of a Mortgagee in Possession of Lands, for which the said Mortgager voted against the Petitioner without producing the Mortgage Deed.

Sab-

Sabbati, 20 die Januarii, 1710.

On further Hearing for the County of
Rutland.

7. *Resolved*, That *John Taylor*, being produced as a Witness, by the sitting Member, be examined by the Petitioner, when his Annuity (*the Freehold for which he Voted*) was granted.

8. The Question being put, that *Samuel Freeman* be admitted to prove his Voting at the said Election, contrary to the Poll then taken by the Sheriff;

It passed in the Negative.

Sabbati, 10 die Januarii, 1710.

9. *Resolved*, That the Decree of a Baron-Court be admitted to be read, as Evidence to prove the sitting Member's Possession of those Lands for which he voted at the Election of the Shire of *Kinross*, tho' it was not produced when the Question was made to his Possession.

10. The Question being put, That the sitting Member was duly qualified to vote in the Election for the Shire of *Kinross*;

It passed in the Negative.

11. The Question being put, That the Petitioner do receive the Transcript of several Writings by him produced at the said Election;

It

It passed in the Negative.

12. *Resolved*, That the Petitioner was duly qualified to vote in the Election for the Shire of *Kinross*.

Martis, 13 die Februarii, 1710.

13. At the Hearing of the Election for *Dumfries*,

The Question being put, that the Petitioner be at liberty to call a Witness as to Matters preceding the Election, which were in general objected at the Election ;

It passed in the Negative.

Jovis, 29 die Aprilis, 1714.

14. At hearing the Merits of the Election for the Burghs of *Anstruther Wester*, &c.

The Petitioner's Council producing a Writing as the Minutes of the Election of a Commissary at *Pittenweem*, signed by a publick Notary in the Absence of the Town-Clerk to be read ; and it being objected to by the sitting Member's Counsel, &c.

Resolved, That the Extracts of the Minutes of the Magistracy and Town-Counsel of *Pittenweem*, upon their choosing a Commissioner for the said Borough, be read as Evidence, tho' not signed by the Town-Clerk of the said Borough, but by a Clerk chosen in his Absence by the said Magistrates

strates and Town-Council upon the said Election, and tho' no Evidence has been given, that the Town-Clerk refused to give an Extract of the said Minutes.

Sabbati, 7 die Maii, 1715.

15. On the farther hearing the Merits of the Election for the Borough of *Bridport* in the County of *Dorset*,

Resolved, That the Petitioner be admitted to give Evidence in relation to the Partiality of the Bailiff at the late Election of Members to serve in Parliament for the Borough of *Bridport*.

16. Mr. *Arthur Pain* being called ;

The Petitioner's Council objected against his being examined, for that he had been charged by the Petitioner's Evidence with having (as Agent for Mr. *Strangeways*) distributed Money and Corn to Voters.

And the Question being put, that the Council for the sitting Member be admitted to examine *Arthur Pain* touching *William Pierce*'s being of full Age at the time of the last Election for the Borough of *Bridport* ;

It passed in the Negative.

17. The Council for the sitting Member examined several Witnesses in relation to Wheat given by the Family of *Strangeways*, whether the same was an usual Charity, as they

they insisted, or Bribery, as the Petitioner's Council insisted?

And *John Tucker* being called to be, &c.

And the Question being put, that *John Tucker* having been concerned in the distributing of Wheat to the Inhabitants of *Bridport*, before *Christmas* last, be admitted to be examined as a Witness in this Cause;

It passed in the Negative.

Martis, 28 die Junii, 1715.

18. The House (according to Order) proceeded in the further hearing the Merits of the Election for the County of *Bedford*, and the Council on both sides were called in; and the Petitioner's Council calling a Witness to prove that one of the sitting Member's Voters had no Estate in the Parish where his Freehold is set down on the Poll, the sitting Member's Council objected against the giving such Evidence, the Voter having sworn he had an Estate there.

Resolved, That the Council for the Petitioner be admitted to give Parol Evidence as to a Person's being no Freeholder, who swore himself to be a Freeholder at the time of the Election.

Jovis, 30 die Junii, 1715.

19. The House proceeded in the farther hearing the Merits of the Election for the County

County of *Bedford*; and the Petitioner's Council proceeded farther to examine Witnesses (in order to disqualify Voters for the sitting Members) to some, as to their not being rated to any Taxes; to others, as to their not having any Estate in the Place they voted for; and to others, as to their Estates being Copyholds; and afterwards the Petitioner's Council acquainted the House, that they had Objections to many other Voters for the sitting Member, in regard they did not pay to the Public Taxes in such Proportion as other Estates of 40 *s. per Annum* in the same Place, as the Acts of the 10th and 12th of *Queen Anne* direct; and desired the Directions of the House, whether they should go into such an Examination, and of what Nature the Evidence should be.

And the Act of the 10th Year of her late Majesty, intituled, *An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for Knights of Shires to serve in Parliament*; and also,

An Act of the 12th Year of her said late Majesty, for explaining the said Act, as far as the same relates to the Ascertaining the Value of Freeholds of Forty Shillings per Annum, were read.

And a Motion being made, and the Question being put, that where any Person

pays to the King's Tax, Church, or Poor's Rates, and has sworn to the Value of his Freehold, such Freehold being in his own Possession, that this House will proceed unto the Consideration, whether such Freehold is assessed to the Taxes and Rates in such proportion as other Lands of Forty Shillings *per Annum*, within the same Parish or Township, are charged to the same ;
It passed in the Negative.

Sabbati, 2 die Julii, 1715.

20. On the further hearing the Merits of the Election for the County of *Bedford*, the sitting Member's Council producing a Paper, as the Rate for the Land-Tax in the Year 1714, for the Parish of *Potton*, to prove that one of the sitting Member's Voters had been rated thereto for the said Year ; the Petitioner's Council objected against the same, it not being signed by the Assessors, or Commissioners, but only by the Collectors for the Land-Tax ; and the sitting Member's Council insisting upon its being read ;

And the Question being put, that a Paper intitled, *Potton Land-Tax of Two Shillings in the Pound for 1714* (although not signed by the Assessors, or Commissioners for the Land-Tax) be read as Evidence ;

It passed in the Negative.

Jouis,

Jovis, 14 die Julii, 1715.

21. On the farther hearing the Merits of the Election for the County of *Bedford*—

The Question being put, that the Council for the sitting Member be admitted to examine *Edward Kemp*, to prove that *William Reynold* voted otherwise than he is set down upon the Sheriff's Poll;

It passed in the Negative.

Lunæ, 24 die Februarii, 1717.

22. Upon the Hearing for *Minebead*:

The Petitioner's Council proceeded and examined a Witness, one *John Viccary*, upon the head of Bribery, who gave Evidence that *Thomas Wickland* had confessed to him that he had received half a Guinea for his Vote; upon which the sitting Member's Council insisted, that the said *Thomas Wickland* should be call'd in to confront the said *Viccary*:

And he was called in; and the said *Viccary* gave his Evidence before the said *Wickland*; upon which the sitting Member's Council insisted, that the said *Wickland* should be examined in relation to the Discourse that the said *Viccary* alledged to have passed between them; which the Petitioner's Council opposed.

Resolved, That *Thomas Wickland* be examined

mined in the Presence of *John Viccary* in relation to the Discourse that the said *Viccary* alledged passed between them two, relating to the Money said to be confessed to be given to the said *Wickland* by the sitting Member for his Vote.

23. *Resolved*, That *Joseph Alloway*, having been charged to have been a Distributer of Bribes, be examined as a Witness in this Cause.

Veneris, 23 die Junii, 1721.

The House (according to Order) proceeded to hear the Matter touching the Election for the Borough of *Whitchurch* in the County of *Southampton*; and the Counsel on both sides were called in, and the Petition of *John Conduit Esq*; complaining of an undue Election and Return for the said Borough, was read:

And the Petitioner's Counsel producing a Copy of the Poll taken at the Election, which was delivered to the Petitioner's Agent by the Mayor of the said Borough as a Copy of the Poll; but was not examined with the Original Poll by the Person to whom the same was delivered by the Mayor.

The sitting Member's Counsel objected to the said Copy's being admitted as Evidence; and the Counsel of both Sides were heard

heard thereupon; and then the Counsel were directed to withdraw:

Resolved, That the Papers offered by the Council for the Petitioner as a Copy of the Poll taken at the late Election of a Burgess for the Borough of *Whitchurch* in the County of *Southampton*, which was delivered to the Petitioner's Agent by the Mayor of the said Borough, as a Copy of the Poll taken at the said Election, be admitted as Evidence.

Tovis, 5 die Martii, 1729.

Upon the Hearing for *Liverpool*.

The Petitioner's Council proceeded to give Evidence touching the Neglects and Refusals by the Mayors (for three Years last) to hold Common-Councils (in order to the admitting Freemen) according to the Ancient Usage of the Borough; and they produced one of the Record Books of the Borough, and an Entry therein of an Order made, at an Assembly held the first Day of May 1679, (appointing the first *Wednesday* in every Month to be a Council-day) was read; and several Witnesses were examined, as to the frequent Callings of Common-Councils formerly, and as to the Usage observed in admitting of Freemen, and also as to undue Proceedings of the Mayor at the last Election; and his withdrawing

himself from the Place of Polling before he had taken the Votes of several Persons who claimed to be admitted to vote for the Petitioner: And

Henry Orme being called, and examined, and producing a List taken by him, of divers Persons who gave their Votes for the Petitioner, after the Mayor had left the Place of Polling.

Resolved, That the Papers produced by *Henry Orme*, containing a List taken by him of Persons who voted for the Petitioner, after the Mayor had left the Place of Polling, be admitted as Evidence of such Persons voting.

Martis, 24 die Martij, 1729.

Liverpool.

26. *Resolved*, That *Mr. Richard Houghton* be admitted to give Evidence of Persons having declared to him, that they would have voted for the sitting Member, if any who were not sworn Freemen had been allowed to vote.

Veneris, 16 die Januarii, 1735.

27. *Ordered*, That the Counsel at the Bar of this House, or before the Committee of Privileges and Elections, be restrain'd from offering Evidence touching the Legality of Votes for Members to serve
in

in Parliament for any County, Shire, City, Borough, Cinque-port or Place, contrary to the last Determination in the House of Commons; which Determination, by an Act passed in the second Year of his present Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament*, is made final to all Intents and Purposes whatsoever, any Usage to the contrary notwithstanding.

28. *Ordered*, That the said Order be a standing Order of the House.

Martis, 10 die Februarii, 1735.

On a Hearing for Southwark.

A Motion was made, and the Question being put, that the Counsel for the Petitioner be admitted to examine Persons, who voted at the last Election of Members to serve in Parliament for the Borough of *Southwark*, to prove, that they voted otherwise than they were set down to do upon the Bailiff's Poll;

It passed in the Negative, *Nemine Contradicente*.

30. N. B. *There were read on this Occasion two Resolutions, out of the Journals, viz. 20 Jan. 1710. in the Case of Samuel Freeman, on a Hearing for Rutlandshire, and 14th July*

1715,

1715, in the Case of Edward Kemp, on a Hearing for Bedfordshire: They are both to the Effect of the foregoing Resolution.

Jovis, 12 die Februarii, 1735.

On the further Hearing for Southwark.

31. A Motion was made, and the Question being put, That the Petitioner's Counsel be admitted to examine *Thomas Gaman*, to prove his having received a Bribe to give his Vote for the sitting Member; the said *Thomas Gaman* having at the Time of the Election taken the Oath, which by the Act for preventing Bribery and Corruption in the Election of Members to serve in Parliament is appointed, if demanded, as therein is mentioned to be taken by Persons having, or claiming to have, a Right to vote at Elections of Members to serve for the Commons in Parliament;

It passed in the Negative.

On a Hearing for Yorkshire.

Martis, 23 die Februarii, 1735.

32. Resolved, That the Books called the original Poll-Books of the last Election of Members to serve in Parliament for the County of *York* produced by *Robert Appleton*, Deputy-Clerk of the Peace for the East-Riding of the said County, and which were

were delivered over to him by the High Sheriff of the said County in open Court at the Quarter Sessions of the Peace for the said Riding, about two Months after the said Election, as the original Poll taken at the said Election, and which have been kept by him the said Deputy-Clerk of the Peace ever since, among the Records of the Sessions of the Peace for the said Riding, the said Books not being delivered over by the said Sheriff within the Time, nor upon Oath, as required by the Act of the tenth Year of the Reign of the late Queen (*for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament*) be admitted as Evidence.

On the further Hearing for Yorkshire.

Jovis, 26 die Februarii, 1735.

33. Resolved, That the Counsel for the Petitioners be admitted to give Parol Evidence, as to a Person being no Freeholder at the Time of the Election, who swore himself then to be a Freeholder.

34. N. B. Before the foregoing Resolution passed, these following Journals were read, viz.

Of the 17 April, 4 C. 1. touching an Election for Yorkshire, and Resolutions thereupon.

Of

Of the 17 January, 1710, in the Case of the County of Rutland.

And of the 17 Day of April 1735, in relation to the Parol Evidence given against the sitting Member's Qualification, in the Case of the Borough of Wendover.

35. *Upon the further Hearing for Yorkshire.*

Martis, 2 die Martii, 1735.

Resolved, That the Council for the Petitioners be admitted to give Evidence as to what a Voter confessed of his having no Freehold, who at the Election swore he had.

36. *N. B. Before the foregoing Resolution passed, the following Journal, &c. were read, viz.*

Journal of the 16 April 1735, in the Case of the County of Northumberland.

And the Resolution of the 12th of February last (supra) relating to Thomas Gaman.

37. *Resolved, That the Council for the Petitioners be admitted to give Evidence as to a Person's having no Freehold at all, to whom the Petitioners objected in their List of Objections, that such Person had not a Freehold of 40 Shillings per Annum.*

Jovis

Jovis, 22 die Aprilis, 1736.

38. *Upon the further Hearing for York-shire.*

The Counsel for the Petitioners summed up their Evidence ; by which they alledged, That they had disqualified several Persons as not being assessed to the publick Taxes, Church-Rates, and Parish-Duties ; — others, as having no Freehold in the Place where they swore that their Freeholds did lie ; and of them, several as having no Estate at all, — as being Schoolmasters, — Parish-Clerks, — Curates, — Hospital-men, — Lease-holders and Copy-holders ; others, as not having Freeholds of 40 Shillings *per Annum* ; — as being Minors ; — as having purchas'd their Freeholds within one Year before the Election ; — as having been influenced to vote by Threats ; — as having voted twice ; — one, as being an Alien ; and others whose Votes appear upon the Poll, though there are no such Persons either in the Places where they swore their Freeholds did lie, or in the Places where they swore that their Abode was.

39. *Tho' the next foregoing Paragraph be not a Resolution, but an Enumeration by Counsel (collected by Mr. Speaker) of Objections against Persons voting as Freeholders ; yet,*
'tis

'tis conceived it may be of Use, to help the Memory on Elections for Counties, &c.

FLINT.

Martis, 21 die Maii, 1728.

1. *Resolved*, That the Right of Election of a Burgess to serve in Parliament for the Town of *Flint*, in the County of *Flint*, is in the Inhabitants of the Boroughs of *Flint*, *Rbydlan*, *Overton*, *Caerways*, and *Caergurley*, paying Scot and Lot.

2. *Resolved*, That the Inhabitants of *Knolton* and *Overton-Foreign*, paying Scot and Lot in the Parish of *Overton*, have a Right to vote in the Election of a Burgess to serve in Parliament for the Town of *Flint*.

3. *On a Hearing for the Borough of Flint.*

Jovis, 24 die Martii, 1736.

The last Determination of the House, concerning the Right of electing a Burgess to serve in Parliament for the said Borough, made the 21st Day of *May* 1728, was read,

And also

The standing Order made upon the 16th Day of *January* 1735, for restraining Counsel from offering Evidence touching the Legality of Votes — contrary to the last Determination of the House of Commons.

On

On a further Hearing.

Martis, 5 die Aprilis, 1737.

4. A Motion was made, and the Question being proposed, That the Inhabitants of the several Boroughs of *Flint*, *Rbydland*, *Caerways*, *Caergurley*, and *Overton* (including *Knolton*, and *Overton-Foreign*) renting Lands or Tenements for which the Landlords thereof only, pay Scot and Lot, have a Right to vote in the Election of a Burgess to serve in Parliament for the Borough of *Flint*, in the County of *Flint*.

And the previous Question being put, that that Question be now put;

It passed in the Negative.

5. *On the further Hearing.*

Martis, 19 die Aprilis, 1737.

The Counsel for the sitting Member — examined several Witnesses touching the Occasion of examining upon Oath into the Qualification of the Electors, and of protracting the Poll, and touching Threats and abusive Language offered to the returning Officers, and an Assault upon one of them, and the Declaration of the Number of Votes, and the Demand of a Scrutiny, and the Manner of declaring the Majority, and other Transactions at and after the said Election.

H

And

And the Record of *Nisi Prius* upon an Information prosecuted against *Richard Williams*, Clerk, for the said Assault upon *John Roberts*, one of the Returning Officers, being produced; the Verdict of the Jury, by whom the said *Richard Williams* was convicted of the said Assault, was read.

6. On a further Hearing.

Jovis, 28 die Aprilis, 1737.

Resolved, That *Sir George Wynne*, Bart. (the sitting Member) is duly elected a Burgess to serve in this present Parliament for the Borough of *Flint*, in the County of *Flint*.

FOWEY.

Lunæ, 5 die Maii, 1701.

1. *Resolved*, (by the Committee) That the Right of electing Burgesses to serve in Parliament for the Borough of *Fowey* in the County of *Cornwall*, is in the Prince's Tenants who are capable of being Portreeves of the said Borough, and in such Inhabitants of the said Borough only as pay Scot and Lot.

It does not appear by the printed Votes that the House agreed to this Resolution.

2. *The Journal.*

FREE-

FREEDOM OF ELECTIONS.

See *Alms, Bribery, Offices, Riots, Treating.*

1. By *Stat. 1 W. & M. Sess. 2. ch. 2.* (called the Bill of Rights) and by many other Acts of Parliament it has been declared, That Elections of Members of Parliament ought to be free.

2. By *Stat. 2 W. & M. ch. 7.* The Nominations claimed by the Lord Warden of the *Cinque-Ports*, of one Person to be elected for each Port or Town is declared contrary to Law.

3. By *Stat. 5 W. & M. ch. 20.* No Person concerned in managing the Excise shall in any manner endeavour to persuade or dissuade any Elector about giving his Vote, on penalty of 100 *l.* and perpetual Incapacity of any Office or Place of Trust under the Crown.

4. By *Stat. 12 & 13 W. 3. ch. 10.* The like Penalty is inflicted on Persons employed in the Customs, for the like Offence.

5. *Stat. 8 G. 2. ch. 30.* Recites, That by the ancient common Law of this Land, all Elections ought to be free; and that by *Stat. 3 E. 1.* No Man, by Force of Arms, nor by Malice, or Menacing, shall disturb any to make free Election; and that it has been the Practice to cause any Regiment, &c. quarter'd in any City, &c.

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where any Election of Members to serve in Parliament has been appointed, to remove, &c. during the Time of Election. And enacts, That upon any Election to be made of a Peer of *Scotland* or Member of Parliament, the Secretary at War, or Person officiating at such, at a convenient Time, before the Day appointed for the Election, shall send proper Orders in Writing, for the Removal of the Soldiers, &c. out of such Place to the Distance of two or more Miles, and not to make a nearer Approach until one Day, at least, after the Poll ended, and Poll-Books closed.

6. For Neglect, or Omission to issue such Orders, the Secretary, &c. may be indicted at the next Assizes, or Sessions of *Oyer and Terminer*, for the County where, &c. or an Information may, within six Months after the Offence, be exhibited in the *King's-Bench*; and, on Conviction, he shall be discharged from his Office, and be disabled to hold any Office or Employment Civil or Military, in the King's Service.

7. This Act is not to extend to *Westminster* or *Southwark*, in respect of the Guards; nor to any Place where the King, or any of the Royal Family happens to reside; in respect of the Troops, &c. attendant on them; nor to any Fort, &c. where

FREEDOM OF ELECTIONS. 77

where a Garrison is usually kept, in respect of the Garrison.

8. This Act does not extend to any Officer or Soldier who has a Right to Vote at the Election.

9. The Secretary, &c. is not to be liable to the Forfeiture or Incapacity, unless Notice be given him of making the new Writ by the Clerk of the Crown in Chancery, &c.

Veneris, 3 die Martii, 1698.

10. *Resolved*, That the Proceedings of *William Hucks Esq;* (in presuming to make use of the Authority of the Government to the Borough of *Abingdon*, in order to be elected a Burgess for the said Borough) is a scandalous Reflexion upon the Government, and tends to subvert the Freedom of Elections of Members to serve in Parliament.

11. *Ordered*, That the said *William Hucks Esq;* be taken into Custody.

Mercurii, 18 die Novembris, 1702.

12. *Resolved, Nemine Contradicente*, That *Sir John Packington* has, by Evidence, fully made out the Charge which he exhibited against the Lord Bishop of *Worcester*.

13. *Resolved, Nemine Contradicente*, That *Sir John Packington* has, by Evidence, fully made:

made out the Charge against Mr. *Lloyd*, the said Lord Bishop's Son.

14. *Resolved*, That it appears to this House, that the Proceedings of *William* Lord Bishop of *Worcester*, his Son and his Agents, in order to the hindering the Election of a Member for the County of *Worcester*, have been malicious, unchristian, and arbitrary, in Violation of the Liberties and Privileges of the Commons of *England*.

15. *Resolved*, That an humble Address be presented to her Majesty, that she will be graciously pleased to remove *William* Lord Bishop of *Worcester*, from being Lord Almoner to her Majesty.

16. *Ordered*, That the said Resolution and Address be presented to her Majesty, by such Members of this House as are of her Majesty's most honourable Privy-Council.

17. *Ordered*, That Mr. *Attorney General* do prosecute Mr. *Lloyd*, the Lord Bishop of *Worcester*'s Son, for his said Offences.

Mercurii, 25 die Novembris, 1702.

18. *Ordered*, That the Evidence given at the Bar of this House, upon the Charge of Sir *John Packington* against *William* Lord Bishop of *Worcester* and Mr. *Lloyd* his Son,

be

be printed ; together with the Proceedings of this House thereupon.

19. *Ordered*, That the Clerk's Book in relation to the said Evidence be examined ; and that Mr. *Speaker* do take care of the Printing of the said Evidence and Proceedings.

Sabbati, 17 die Martii, 1710.

20. *Resolved*, That *Edward Tiffard* Mayor of the said Borough (of *Weymouth* and *Melcombe Regis* in *Com. Dorset*) is guilty of several arbitrary and illegal Practices, in the late Election of Members to serve in Parliament for the said Borough.

21. *Ordered*, That *Edward Tiffard* Mayor of the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, be taken into the Custody of the Serjeant at Arms attending the House, for the said arbitrary and illegal Practices.

22. *On Monday the 22d of April following* he was brought to the Bar, reprimanded on his Knees, and discharged, paying his Fees.

23. *And on the 2d of May 1711, the like Votes were repeated concerning him on another Election.*

Mercurii, 14 die Martii, 1710.

24. *Resolved*, That it appears to this House, that *William Lord Bishop of Carlisle,*

lisse, hath dispersed several Copies of a Letter, pretended to have been received from Sir *James Montague* (Member of this House) in order to procure Sir *James Montague* to be elected a Citizen of the City of *Carlisle*, reflecting on the Honour of her Majesty; and by concerning himself in the said Election, hath highly infringed the Liberties and Privileges of the Commons of *Great Britain*.

Jovis, 17 die Martii, 1725.

25. *Resolved. Nemine Contradicente*, That it appears to this House, that Mr. *Richard Sbrimpton*, Mayor of the Borough of *Cheping-Wicombe* in the County of *Bucks*, has been guilty of divers arbitrary, illegal, and partial Proceedings at the late Election of a Burgess to serve in this present Parliament for the said Borough of *Cheping-Wicombe*, in Violation of the Freedom of Elections of Members to serve in Parliament.

26. *Ordered*, That the said *Richard Sbrimpton* be, for the said Offences, committed Prisoner to the Prison of *Newgate*; and that Mr. *Speaker* do issue his Warrant accordingly.

27. *Resolved*, That *Edward Marshal* having presumed to read the Proclamation against Riots, while the Burgesses of the Borough of *Cheping-Wicombe* in the County of

FREEDOM OF ELECTORS. 81

of Bucks were legally assembled, by Virtue of his Majesty's Writ for electing a Burgess to serve in this present Parliament for the said Borough, without having sufficient Authority so to do, is guilty of an high Infringement of the Freedom of Elections.

28. *Ordered*, That the said *Edward Marshal* be, for the said Offence, taken into the Custody of the Serjeant at Arms attending this House.

29. *Jovis, 27 die Februarii, 1700.*

Upon a Hearing.

Resolved, That *Mr. Edward Martyn*, Mayor of the Town and Port of *Winchelsea*, is guilty of Threats and indirect Practices, in order to procure an Election of Members to serve in this present Parliament for the said Town and Port of *Winchelsea*.

He was ordered into Custody.

30. *Ordered*, That no Writ do issue this Session for electing, &c.

31. *And an Address was resolved on, That the King would order Mr. Martyn to be turned out of his Employment in the Customs.*

Which was done accordingly, as appears by the Votes; 3 Martii, 1700.

FREE-

FREEHOLDERS,
OF VOTERS for COUNTIES.

1. By *Stat. 8 H. 6. cb. 7.* These must be Freeholders of forty Shillings *per Annum* at least, above all Charges, in Lands, Tenements, or Hereditaments.

2. And by *Stat. 10 Ann. cb. 23.* Shall, if required by a Candidate, or any Person having a Right to Vote, take the Oath in Title Oaths, *Sett. 3.*

3. By *Stat. 7 and 8 W. 3. c. 25.* No Person shall be allowed to vote by reason of a Trust-Estate or Mortgage, unless he be in actual Possession, or Receipt of Rents or Profits, but the Mortgager, or *Cestuy que trust* may vote. All Conveyances of any Hereditament, in order to multiply Votes, or split the Interest among several, to enable them to vote, are void, and only one single Person shall be admitted to vote for the same House or Tenement.

4. By *Stat. 10 Ann. cb. 23.* Estates and Conveyances made collusively to qualify Persons to give their Votes at Elections of Knights of the Shire, shall be taken against the Grantors, &c. as free and absolute, and be held by the Grantee, &c. acquitted from all manner of Trusts, Clauses of Re-entry, &c. and all Bonds, Covenants, &c. for restoring thereof, shall be void. And every Person

Person who executes such Conveyance, or being privy to such Purpose, devises or prepares the same, or, who, by Colour thereof, gives a Vote at any Election of Knights of a Shire, forfeits 40 *l.* to him that will sue.

5. By the same Act, No Person shall vote for a Knight of a Shire in *England*, in Right of Lands which have not been Assessed to publick Taxes, Church-Rates, and Parish-Duties in such Proportion as other Lands of 40 *s. per Annum* in the same Parish, and for which such Person has not received the Rents, or was intitled so to do, to the Value of forty Shillings or more, to his own Use, for one Year before such Election, unless it came by Descent, Marriage, Devise, Presentation to some Benefice, or Promotion to an Office. He that votes contrary to the true Intent of this Act, forfeits 40 *l.* a Moiety to the Poor where the Lands lie, the other to the Person suing.

6. By *Stat. 12 Ann. ch. 5. The Stat. 10 Ann.* (above) is not to restrain any Person from voting in Right of Rents, Tithes, or other incorporeal Inheritances, Messuages or Lands in *Extra-Parochial* Places, Chambers in the Inns of Court, or Inns of Chancery, Messuages or Seats belonging to any Offices, or in Right of any other

other Messuages or Lands, that have not been actually Charged and Assessed to all and every the publick Taxes, Church-Rates, and Parish-Duties; provided such Messuages or Lands have been usually Charged or Assessed to some one or more of the said publick Taxes, Rates or Duties, in such Proportion as other Messuages or Lands of 40s. *per Annum*, within the same Parish or Township, are usually Charged.

7. The *Statute* 13 G. 2. *ch.* 20. recites the two next foregoing Statutes; and enacts, That from the 25th Day of *March* 1740, the Provisions contained in the *Stat.* 10 *Ann.* for preventing fraudulent Conveyances, &c. and in the said Act 12 *Ann.* shall extend to such Lands or Tenements for which any Person shall vote for the Election of a Member for a City or Town being a County of itself; and Persons, in such Case, voting contrary to the Provisions in the said Acts, are to be subject to the Penalties in 10 *Ann.*

GRANTHAM.

Jovis, 11 die Januarii, 1710.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Grantham*, in the County of *Lincoln*, is in the Freemen of the said Borough not receiving Alms or Charity.

H A R -

HARWICH, &c.

85

HARWICH.

Martis, 6 die Aprilis, 1714.

1. *Resolved*, That the Right of Election of Burgesſes to ſerve in Parliament for the Borough of *Harwich*, in the County of *Effex*, is in the Mayor, Aldermen, and Capital Burgesſes, or Headboroughs of the ſaid Borough reſiding within the ſaid Borough.

HASLEMERE.

Jouis, 9 die Februarii, 1698.

1. The Right of Election for the Borough of *Haslemere*, in *Com. Surrey*, was agreed to be in the Freeholders reſident within the Borough.

HASTINGS.

Veneris, 20 die Januarii, 1698.

1. *Resolved*, That the Right of Election of Members of Parliament, for the Port of *Hastings* in the County of *Suffex*, is in the Mayor, Jurats and Freemen reſident, and not receiving Alms, only.

HAVERFORD-WEST.

Lunc, 4 die Julii, 1715.

1. *Resolved*, That the Proceeding of the Mayor and Common-Council of the Town of *Haverford-West*, in making Burgesſes

I

without

without the Consent of the Commonalty, was illegal, and contrary to the Rights of the said Town; and that the Burgesses so pretended to be made, have not thereby acquir'd any Right of voting in any future Elections.

H E R T F O R D .

Martis, 27 die Januarii, 1701.

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Hertford*, is not in such Persons only as are Inhabitants, Housholders of the said Borough not receiving Alms, and in such Freemen, who, at the Time of their Freedom granted to them, were Inhabitants of the said Borough, or of the Parishes thereof.

2. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Hertford*, is in all the Freemen, and also in all the Inhabitants, being Householders, and not receiving Alms.

Jovis, 6 die Decembris, 1705.

3. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Hertford*, is in the Inhabitants not receiving Alms, and in such Freemen only, as, at the Time of their being made Free, were Inhabitants of the said Borough,
or

or the Parishes thereof; the Number of the Freemen living out of the Borough, not exceeding three Persons.

[See the Votes of the Day following, where this Resolution is thus printed.]

H E A R I N G.

See Evidence.

In the Sessions of the Years 1707-8, and of 1708-9, the Hearings for Elections were ordered to be at the Bar of the House, and divers standing Orders were made Sabbati, 21 die Februarii 1707, for Ballotting upon such Questions: but on the 15th of November 1709, the former Method by Committees, was resumed.

Luna, 18 die Martii, 1727.

1. *Resolved*, That in all Cases on double Returns, where the same shall be controverted, either at the Bar of this House, or in Committees of Privileges and Elections, the Council for such Person who shall be first named in such double Return, or whose Return shall be immediately annexed to the Writ or Precept, shall proceed in the first Place.

Ordered, and declared, That the said Order be a standing Order of the House. *Ser. 4.*

2. *Martis, 8 die Junii, 1714.*

The House being informed, that (in relation to the Election for the Borough of *Harwich*, in the County of *Essex*, the Merits of which Election is to be heard To-morrow in the Afternoon, before the Committee of Privileges and Elections) the Sollicitors for the Petitioner and sitting Member had but yesterday delivered to each other, Lists of several Persons Names, whom they intend to object against, upon Account of their not being qualified according to the Corporation Act, and that the Satisfaction of them will require some Time :

Ordered, That it be an Instruction to the said Committee, that they do put off the hearing the Merits of the said Election until To-morrow seven-night.

See *Monmouth*, 1.

3. *Veneris, 16 die Januarii, 1735.*

3. *Resolved*, That in all Cases of controverted Elections for Counties in *England* and *Wales* to be heard at the Bar of this House, or before the Committee of Privileges and Elections, the Petitioners do, by themselves or their Agents, within a convenient Time to be appointed either by the House, or the Committee of Privileges and

and Elections, as the Matter to be heard shall be before the House or the said Committee, deliver to the sitting Members or their Agents, Lists of the Persons intended by the Petitioners to be objected to, who voted for the sitting Members; giving, in the said Lists, the several Heads of Objection, and distinguishing the same against the Names of the Voters excepted to; and that the sitting Members do, by themselves, or by their Agents, within the same Time, deliver the like Lists, on their Part, to the Petitioners or their Agents.

[The above was not a standing Order.]

4. *Jovis, 23 die Martii, 1737:*

On a Hearing for New-Windsor;

On a double Return.

The Counsel for the Petitioner the Lord Vere Beauclerk, (the Deputy-Clerk of the Crown attending, according to Order, with the last Return for the said Borough; and the said Petitioner's Return appearing to be immediately annexed to the Precept) proceeded in the first Place, pursuant to the standing Order of the House, made the 18th Day of March 1727, and were heard.
See Sec. 1. above.

HIGHAM-FERRERS.

Jovis, 28 die Januarii, 1702.

1. *Resolved*, That the Right of electing a Burgess to serve in Parliament for the Borough of *Higham-Ferrers* in the County of *Northampton*, is in the Mayor, Aldermen, Burgesses and Freemen, being Householders, and not receiving Alms.

HINDON.

Jovis, 3 die Aprilis, 1701.

v. *Resolved by the Committee*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Hindon*, is in the Bailiff, Burgesses, and such Inhabitants only as pay Scot and Lot.

2. *Resolved*, That *R. C. Esq;* is not duly elected, &c.

3. *Resolved*, That *G. M. Esq;* is not duly elected, &c.

The first Resolution being read a second Time,

And a Motion being made, and the Question being put, That the House do agree with the Committee in the said Resolution; It passed in the Negative.

The second Resolution being read a second time,

Resol-

Resolved, That it be re-committed.

4. *Ordered*, That the Matter, upon the Re-commitment, be heard before the Committee of Privileges and Elections upon this Day three Weeks.

5. *Martis, 13 die Maii, 1701.*

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Hindon*, is in the Inhabitants of the said Borough, not receiving Alms. Agreed to by the House.

6. *Veneris, 12 die Aprilis, 1728.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Hindon*, in the County of *Wilts.*, is in the Inhabitants of Houses within the said Borough, being House-keepers and Parishioners, not receiving Alms.

HONITON.

Sabbati, 3 die Februarii, 1730.

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the Inhabitants, of the said Borough, paying Scot and Lot only.

2. *Veneris, 18 die Decembris, 1724.*

Resolved, That the Right of Election

of Burgesses to serve in Parliament for the Borough of *Honiton*, in the County of *Devon*, is in the Inhabitants, House-keepers within the said Borough, commonly called *Pot-Wallers*, not receiving Alms of the Parish.

HORSHAM.

Jovis, 16 die Junii, 1715.

1. *Resolved*, That the Right of Election of Members to serve in Parliament for the Borough of *Horsbam*, in the County of *Sussex*, is in all such Persons as have an Estate of Inheritance, or for Life in Burgage-Houses, or Burgage-Lands, lying within the said Borough.

HYETH.

Sabbati, 27 die Januarii, 1710.

1. *Resolved*, That it is the Opinion of this Committee, that the Right of Election of Barons to serve in Parliament for the Town and Part of *Hyeth*, in the County of *Kent*, is in the Mayor, Jurats, Common-Council, and Freemen.

Agreed to by the House.

ILCHESTER.

Martis, 1 die Aprilis, 1679.

1. A double Return for *Ilchester*, (in *Cam. Sacerdot*) First,

First, an Indenture between the High Sheriff of *Somerset* on one Part, and Sir *Edward Philips* Knight, and eight other capital Burgeses of the other Part, witnessing, that they had chosen *Edward Philips* and *Robert Hunt* Esqs; in witness whereof the said Burgeses had put their common Seal.

A broad Seal affixed accordingly, and several Hands subscribed, but the Bailiff is not a Party, nor subscribed nor sealed it.

Secondly, An Indenture between the said Sheriff of one Part, and the Bailiff and Burgeses of the other Part, witnessing, that &c. they had chosen *William Strode* and *John Speake* Esqs; in witness whereof the said Bailiff or his Deputy, together with the Burgeses, have put their Hands and Seals; there was only one Seal affixed, and over it *Thomas Hollyard*, Bailiff. On the same Indenture *John Lockyer*, *George Slade*, and on the Back, many Witnesses, &c.

Resolved, That the Indenture wherein *William Strode* and *John Speake* Esqs; are returned Burgeses to serve in this present Parliament for the Borough of *Ilchester* in the County of *Somerset*, is well and duly returned, and by the proper Officer, and that thereupon they ought to sit as duly returned to serve in this present Parliament for the said Borough.

I N.

INVERNESS.

Martis, 23 die Octobris, 1722.

1. The House being informed by two of their Members, that they did see *Alexander Baillie*, whom they knew to be the common Clerk of *Inverness* (the presiding Burgh of the District) sign and seal an Indenture of Return of *Duncan Forbes Esq;* and that one of the said Members did see the said common Clerk tender the same to the Sheriff-depute of the Shire of *Inverness*; and that the said Sheriff refused to accept the same: The said Indenture of Return was delivered in at the Table, where the same was read.

Resolved, Newine Contradicente, That the Clerk of the Crown do take off the File the Return signed by *Hugh Baillie*, the same not being signed by the common Clerk of *Inverness*, being the presiding Borough at the last Election of a Burgess of the District of Boroughs of *Inverness, Nairn, Forres, and Fortrose*.

2. *Ordered*, That the Clerk of the Crown do annex to the Writ, the Return signed by *Alexander Baillie*, the common Clerk of *Inverness*, the presiding Burgh of the said District of Burghs.

Robert Gordon, the Sheriff-depute, and Hugh Baillie, were ordered to attend.

IPSWICH.

Sabbati, 3 die Februarii, 1710.

1. *Resolved*, That the Right of Election of Burgesſes to ſerve in Parliament for the Borough of *Ipswich*, in the County of *Suffolk*, is in the Bailiffs, Portmen, and Common-Council-Men, and Freemen at large, not receiving Alms.

Mercurii, 31 die Martii, 1714.

2. *Resolved*, That Portmen are an eſſential conſtituent Part of the Great Court for making Freemen of the Borough of *Ipswich*; without ſome of which Portmen being preſent, the ſaid Court cannot be held.

Jovis, 1 die Aprilis, 1714.

3. A Motion being made, and the Queſtion being put, That the Perſons voted Freemen at the pretended great Courts held in the Corporation of *Ipswich* the 15th of *June*, the 7th of *Auguſt*, the 25th of *September*, and the 28th of *September*, 1711, without any legal Portmen then preſent, were duly made, and have a Right to vote for Members to ſerve in Parliament for the Borough of *Ipswich*;

It paſſed in the Negative.

S T.

ST. IVES.

Martis, 8 die Decembris, 1702.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *St. Ives*, in the County of *Cornwall*, is in the Inhabitants of the said Borough paying Scot and Lot.

2. *Resolved*, That Mr. *John Hicks*, Mayor of the said Borough of *St. Ives*, is guilty of making a false Return of a Member to serve in Parliament for the said Borough of *St. Ives*, contrary to the last Determination in Parliament.

3. *Ordered*, That the said Mr. *John Hicks* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending this House.

LAUNCESTON.

Martis, 17 die Martii, 1723.

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Dunbeved* alias *Launceston*, in the County of *Cornwall*, is in the Mayor, Aldermen, and Freemen, being Inhabitants at the time they were made free, and not receiving Pay of the Parish.

Luna, 24 die Martii, 1734.

2. *Resolved*, That the Aldermen of the Borough

Borough of *Dunbeved*, alias *Launceston*, in the County of *Cornwall*, ought to be elected out of the legal Freemen of the said Borough only.

LEICESTER.

Veneris, 8 die *Februarii*, 1705.

1. *Resolved*, That such Freemen as were made free at the Charge of any of the Candidates, had not a Right to vote at the last Election of Burgesses to serve in Parliament for the Borough of *Leicester*.

2. *Resolved*, That Persons living in the Borough of *Leicester* by Certificate, not having gain'd a Settlement by renting ten Pounds a Year, or serving in an annual Office, are not intitled, by paying Scot and Lot, to vote in the Election of Burgesses to serve in Parliament for the said Borough.

LESKEARD.

1. *Martis*, 18 die *Novembris*, 1740.

The House being acquainted, that no Return had been made into the Office of the Clerk of the Crown, of a Burgess to serve in this present Parliament for the Borough of *Leskeard* in the County of *Cornwall*, in the room of *George Dennis Esq;* deceased:

K

Ordered,

Ordered,

That the Deputy-Clerk of the Crown do attend this House To-morrow Morning, with the Returns from the County of Cornwall, for this present Parliament, and likewise with his Docquet-Book of Writs and Returns for the Election of Members to serve in Parliament.

2. The House being informed, that the Under-Sheriff of the County of Cornwall was in Town,

Ordered, That the said Under-Sheriff do attend this House To-morrow Morning.

3. *The rest of the Proceedings concerning this Return (which are too long for our Plan) are to be found at Length in the printed Votes of the next Day. The Case briefly was, a Writ had duly issued, and a Precept had been made thereon, and duly executed, returned to the Under-Sheriff, and the Indenture by him compared with a Counterpart, which he executed for the Sheriff; the Writ and Return were, at the Under-Sheriff's Request, sent by the Town-Clerk, by Post, to the Under-Sheriff's Agent in London, to be convey'd to the Clerk of the Crown; but were taken by Robbers, and by them destroyed: It appeared by the Information of a Member, and another Person, who were present, that Charles Trelawney Esq; was elected and returned; the Counterpart of the Indenture was*

was produced and read; and Stat. 7 H. 4. and part of 23 H. 6. were read; and thereupon it was

Ordered, *Nemine Contradicente*, That the Deputy-Clerk of the Crown do file among the Returns of Members to serve in this present Parliament for the County of Cornwall, the Counterpart of the Indenture executed by the Sheriff of Cornwall, of the Return of *Charles Trelawney Esq;* to serve in this present Parliament as a Burgess, for the Borough of *Leskeard*, in the said County, in the Room of *George Dennis Esq;* deceased, as the Return of the said *Charles Trelawney* to Parliament; it appearing to this House, that the Writ, and the principal Part of the aforesaid Indenture, were taken away, in coming up to the Clerk of the Crown, by Highway-men who destroyed the same by burning them.

And he filed the same accordingly.

LESTWITHEL.

Martis, 20 die Decembris, 1709.

1. *Resolved*, That the Right of electing Burgesses to serve in Parliament for the Borough of *Lestwitheel*, in the County of *Cornwall*, is in the Mayor and six capital Burgesses, together with the seventeen Assis-

tants annually chosen, and who had a Right to vote at the preceding Election of a Mayor.

LEWES.

Lunæ, 8 die Maii, 1735.

1. *Resolved, (by the Committee)* That the Right of Election of Burgesses to serve in Parliament for the Borough of *Lewes*, in the County of *Sussex*, is in the Inhabitants, being Householders, paying Scot and Lot.

Agreed to by the House, *Nemine Contradicente.*

LITCHFIELD.

Sabbati, 10 die Maii, 1701.

1. *Resolved, (by the Committee)* That the Bailiff, Magistrates, Freeholders of forty Shillings a Year, and all that hold by Burgage-Tenure, have a Right to vote in the Election of Citizens to serve in Parliament for the City of *Litchfield*.

2. *Resolved*, That such Freemen only of the said City as are inrolled, and pay Scot and Lot, have also a Right to vote in the Election of Citizens to serve in Parliament for the said City of *Litchfield*.

3. *Resolved*, That such Freemen of the Taylors Company as are inrolled in the old Book of the Constitutions of the Taylors Company in the City of *Litchfield*,
have

have not a Right to vote in the Election of Citizens to serve in Parliament for the said City.

4. *Resolved*, That such Freemen only, of the Taylors Company, as are inrolled in the new Book of the Constitutions of the Taylors Company in the City of *Litchfield*, have a Right to vote in the Election of Citizens to serve in Parliament for the said City.

To these four Resolutions the House agreed.

Mercurii, 10 die Decembris, 1718.

5. *Resolved*, That the Right of Election of Citizens to serve in Parliament for the City of *Litchfield*, is in the Bailiffs, Magistrates, Freeholders of forty Shillings *per Annum*, and all that hold by Burgage-Tenure, and in such Freemen only of the said City as are enrolled, paying Scot and Lot there.

LIVERPOOL.

Jovis, 5 die Martii, 1729.

1. The Right of Election (for the Borough of Liverpool, in the County Palatine of Lancaster) was agreed, by the Counsel on both sides, to be in the Mayor, Bailiffs, and Freemen of the said Borough, not receiving Alms.

LONDON.

Of Elections there.

1. By Stat. 11 G. 1. 18. Upon every Election in case a Poll be demanded by a Candidate, or two or more Electors, the presiding Officers shall appoint a convenient Number of Clerks to take the same, who shall take it in the Presence of the presiding Officers, and be sworn by such Officers, truly and indifferently to take the same, and to set down the Name of each Voter, and his Place of Residence or Abode, and for whom he polls; and to poll no Person who shall not be sworn, or being a Quaker, shall not affirm according to the Direction of this Act; and every Person, before he is admitted to poll, shall take the Oath after mentioned, or being a Quaker, solemnly affirm the Effect thereof:

2. *You do swear, that you are a Freeman of London, and a Liveryman of the Company of* and so have been for the space of twelve Kalendar Months; and that the Place of your Abode is at in and that you have not polled at this Election.

So help you God.

3. The

3. The Votes are void of Persons who refuse the said Oath or Affirmation.

4. Each Voter, upon every Election, shall, before he is admitted to poll, (if required by a Candidate, or two or more Electors) take the Oaths, in *Stat. 1 G. 1. Sess. 1. c. 7.* or being Quakers, shall solemnly affirm the Effect thereof, and on Refusal, the Vote of such Person shall be rejected, *ibid.*

5. The presiding Officers and sworn Clerks are to administer the said Oaths and Affirmations; and on Neglect or Refusal, or otherwise offending in the Premises contrary to the Intent of this Act, they forfeit 60*l.* and Costs, for each Offence, *ibid.*

6. Persons wilfully, falsely, and corruptly swearing or affirming as above, or suborning another, shall for every Offence incur and suffer such Penalties, Forfeitures and Disabilities, as Persons convicted of wilful and corrupt Perjury at common Law, *ibid.*

7. If a Poll be demanded, the presiding Officers shall begin it the Day it is demanded, or the next Day following at farthest, unless it happens on a *Sunday*, and then on the next day after, and shall duly proceed from Day to Day (*Sundays* excepted) till it be finish'd, and shall finish the Poll within

within seven Days (exclusive of *Sundays*) after commencing the same; and shall upon adjourning the Poll each Day, seal up the Poll-Books with the Seals, and in the Presence of such Candidates, or Persons deputed by them, as desire the same, *ibid.*

8. After the Poll is finished, the Poll-Books sealed, as aforesaid, shall within two Days after be publickly opened at the Place of Election, and truly cast up; and within two Days after casting up, the Numbers of Votes for each Candidate shall be truly, fairly, and publickly declared to the Electors, at the Place of Election, by the Officers presiding; *ibid.*

9. If a Scrutiny be lawfully demanded, it shall be immediately granted, and proceeded upon, and the respective Candidates shall immediately nominate to the presiding Officers, not exceeding six Persons qualified to vote, to be Scrutineers for the Candidate or Candidates on each side, to whom the presiding Officers shall within six Days after the Scrutiny demanded, upon Request, and at the Charge of the Candidate, or any Scrutineers on his Behalf, cause to be delivered a true Copy of the Poll, signed by the said Officers; and the Scrutiny shall begin within ten Days after the Delivery of the Copies of the Poll, and be proceeded on Day by Day,
(*Sundays*)

(Sundays excepted) and be finish'd within fifteen Days after its Commencement; and the presiding Officers shall, within four Days after it is finish'd, publickly declare, at the Place of Election, which Candidates are duly elected, and the Number of legal Votes appearing to him on the Scrutiny, *ibid.*

10. Presiding Officers offending in the Premises, forfeit for every Offence two hundred Pounds and full Costs, *ibid.*

11. After any Election and Scrutiny, the presiding Officers shall deliver under their Hands a true List of the Voters disallowed upon the Scrutiny, to any Candidate, who shall, upon the final Declaration of the Election, demand the same, within six Days after such Demand, such Candidate paying for the same; provided no such List, nor any Thing contained therein, shall be given in Evidence on any Action or Occasion, *ibid.*

12. The Mayor, upon Request by any Candidate, or his Agent, at any Election where a Scrutiny is demanded and granted, shall issue Precepts, as has been usual, requiring the Masters and Wardens of the Livery-Companies, to cause their Clerks forthwith to return two true Lists of all the Liverymen of their respective Companies, who shall return them on Oath, within three Days after the Receipt of such
Pre-

Precept, one of which Lists the Mayor is to cause to be deliver'd to the Candidate or Candidates on each side at such Election, or their Agents, *ibid.*

13. No Person shall have a Right to vote who has not been twelve Kalendar Months upon the Livery, and who has not paid his Livery Fine ; or, who having paid the same, has received it or part of it back, or has had any Allowance in respect thereof ; or who at any Time within two Years next before the Election has requested to be, and accordingly has been discharged from paying the Rates and Taxes, to which the Citizens of *London*, inhabiting therein, are liable ; or has received any Alms whatsoever, *ibid.*

14. The above Forfeitures shall go one Third to the King ; one third to the Chamberlain, to the Use of the City, and one Third to him that will sue ; *ibid.*

15. This to be a public Act, *ibid.*

LUDGERSHALL.

Sabbati, 11 die Februarii, 1698.

1. *Resolved*, That the Right of electing Members to serve in Parliament for the Borough of *Ludgershall*, in the County of *Wilts*, is in such Persons who have an Estate of Inheritance, or Freehold, or Leasehold,
deter-

determinable upon Life, or Lives, within the said Borough.

LUDLOW.

Lunæ, 22 die Decembris, 1690.

1. *Resolved*, That the New Charter, granted to the Town of *Ludlow*, by the late King *James*, whereby the antient Method of electing Burgeses for Parliament is altered, is illegal and void.

Mercurii, 1 die Martii, 1698.

2. *Resolved*, That the Sons of Burgeses of *Ludlow*, and those that marry the Daughters of Burgeses, have a Right to be made Burgeses of the said Borough.

3. *Resolved*, That every Person having a Right to be made a Burgess of the Borough of *Ludlow*, ought not to demand such his Right by Petition, signed by the Petitioner according to the By-Law made in the Year 1663, and not otherwise.

LYMINGTON.

Martis, 29 die Decembris, 1698.

1. *Resolved*, That the Corporation of *Lymington* (in *Com. Southampton*) is a Corporation by Prescription.

2. *Resolved*,

2. *Resolved*, That the Mayor and Bur-
gesses of *Lymington* only have the Right to
elect Burgesses to serve in Parliament for
that Borough.

Martis, 18 die *Februarii*, 1695.

3. *Resolved*, That the Right of electing
Burgesses to serve in Parliament for the
Borough of *Lymington*, is not in the Mayor,
Burgesses, and Commonalty of the said
Borough, paying Scot and Lot.

4. *Resolved*, That the Right of electing
Members to serve in Parliament for the said
Borough of *Lymington*, is only in the May-
or, and Burgesses of *Lymington*, exclusive
of the Commonalty, paying Scot and
Lot.

Jovis, 11 die *Januarii*, 1710.

5. *Resolved*, That the Right of Election
of Burgesses to serve in Parliament for the
Borough of *Lymington*, in the County of
Southampton, is not in the Mayor, Burges-
ses and Inhabitants of the said Borough,
not receiving Alms.

6. *Resolved*, That the Right of Election
of Burgesses to serve in Parliament, for the
Borough of *Lymington*, in the County of
Southampton, is in the Mayor and Burgesses
of the said Borough only.

MALDEN,

Veneris, 20 die Maii, 1715.

1. Mr. *Hampden* (according to Order) reported, &c.—as follow, viz.

Resolved, That it is the Opinion of this Committee, that the Right of Election of Members to serve in Parliament for the Borough of *Malden* in the County of *Essex*, is in such Freemen as do not receive Alms, and are entitled to Freedom by Birth, Marriage, or Servitude.

2. *Resolved*, That it is the Opinion of this Committee, that such Persons who derive their Right to Freedom from Honorary Freemen of the Borough of *Malden* in the County of *Essex*, have not a Right to vote in the Election of Members to serve in Parliament for the said Borough.

3. *Resolved*, That it is the Opinion of this Committee, that Persons claiming their Freedom by Purchase, and exercising Trades within the Borough of *Malden*, in the County of *Essex*, have not a Right to vote in the Election of Members to serve in Parliament for the said Borough.

4. *Resolved*, That it is the Opinion of this Committee, that *John Comyns*, Serjeant at Law, having at the late Election of Members to serve in Parliament for the Borough

of *Malden*, in the County of *Essex*, wilfully refused to take the Oath of Qualification, as is directed by an Act of Parliament of the ninth Year of the late Queen, (intituled, *An Act for securing the Freedom of Parliaments, by the farther qualifying the Members to sit in the House of Commons*) tho' duly required so to do, and not having at any time before the Meeting of this Parliament taken the said Oath, his Election is thereby void.

Here follow two Resolutions of the Committee: who are duly elected, &c.

The said Resolutions being severally read a second Time, and the Question being severally put upon the three first of the said Resolutions, that the House do agree with the Committee in the said Resolutions;

It passed in the Negative.

The rest of the Resolutions being severally read a second Time, were, upon the Question severally put thereupon, agreed unto by the House.

MARLBOROUGH.

Luna, 13 die Maii, 1717.

1. Resolved, That the Right of Election of Members to serve in Parliament for the Borough of Marlborough, in the County of Wilts, is in the Mayor and Burgesses of the said Borough only.

2. *Jovis, 27 die Martii, 1735.*

The last Determination of the House made the 13th Day of *May* 1717, concerning the Right of Election of Members to serve in Parliament for the said Borough, which was thereby resolved to be in the Mayor and Burgesses of the said Borough only, was read.

And the Council for the Petitioners were heard, and having produced a Copy of the Poll taken at the said Election, they offered to produce Evidence in order to disqualify eleven Burgesses of the said Borough, who voted at the said Election, by controverting the Election of *Edward Bell*, one of the Common-Council of the said Borough and Town, on which the Right of Election of those Burgesses depended.

And the Council for the sitting Members having objected to the Admission of that Evidence, as contradicting a Verdict and Judgment given in Favour of the said *Edward Bell's* Claim, upon an Information in the nature of a *Quo Warranto*, brought against him for exercising the Office of one of the Common-Council Men of the said Borough and Town.

A Copy of the Record of the said Information, Verdict and Judgment, was produced and read.

And Copies of several Rules of the Court of *King's-Bench* made in that Cause were also produced and read.

And the Council for the Petitioners were heard, in Answer to the Objections made by the Council for the sitting Members, and alledged, That a Writ of Error upon the said Judgment was now pending in Parliament, which the Council for the sitting Members admitted.

And the Resolution of the House 8 February 7 Ann. concerning Thomas Smith, Bailiff of Bewdley; and the Journal of the House 15th and 17th of April, concerning an Election for Queenborough, were read.

Resolved, That the Council for the Petitioners be admitted to give Evidence to disqualify the Votes of eleven Burgesses of the Borough and Town of Marlborough, by controverting the Election of Edward Bell to be one of the Common-Council of the said Borough and Town of Marlborough, in contradiction to a Verdict obtained, and a Judgment given upon an Information in the Nature of a Quo Warranto brought against the said Edward Bell, in favour of his Claim, to be one of the Common-Council-men of the said Borough and Town.

3. *Veneris, 28 die Martii, 1735.*

After many other Pieces of Evidence given this Day, it was Re-

GREAT MARLOW, &c. 1113

Resolved, That *Edward Bell* was before the seventh of *November 1729*, duly elected and sworn a Common-Council-man of the Borough and Town of *Marlborough*.

4. *And then two Resolutions passed in favour of the respective Sitting Members.*

GREAT MARLOW.

Martis, 21 die Decembris, 1680.

1. *Resolved*, That in the Borough of *Great Marlow* in the County of *Bucks*, those Inhabitants only who pay *Scot and Lot*, have a Right to give Voices in the Election of *Burgeses* to serve in this Parliament for the Borough; and

2. *Veneris, 21 die Novembris, 1690.*

The same Resolution as above.

MILBOURN PORT.

Martis, 8 die Decembris, 1702.

1. *Resolved*, That the Right of Election of *Burgeses* to serve in Parliament for the Borough of *Milbourn-Port* in the County of *Somerset*, is only in the Capital Bailiffs and their Deputies, in the Commonalty, Stewards, and the Inhabitants thereof, paying *Scot and Lot*.

MINEHEAD.

Jovis, 23. die Maii, 1717.

I. The Clerk of the Crown attending (according to Order) with the Return for the Borough of *Minehead*, in the County of *Somerset* :

The Indenture annexed to the Writ, and returned by the Sheriff to the Clerk of the Crown, and the Sheriff's Return endorsed upon the Writ, were read.

Then the High Sheriff was called in, and deliver'd in the Receipt which was given him upon the Delivery of the Precept.

And the said Receipt was read, and the High Sheriff examined, and then he withdrew.

Afterwards the Under-Sheriff was called in and examined ; and then he withdrew.

Then *John Jones*, one of the Constables of *Minehead*, was called in and examined, and he produced two Precepts with Receipts endorsed thereupon, and the two Indentures of Return, which were read ; and then he withdrew.

Also Mr. *Blake* of *Minehead* was called in and examined, and then he withdrew.

And a Motion being made, and the Question put, that the Merits of the Election, and Return for the Borough of *Minehead*,

Minehead, in the County of *Somerset*, be referred to the Committee of Privileges and Elections;

It passed in the Negative.

2. *Resolved*, That the Indenture, signed by the Burgesses of *Minehead*, in Return to the Sheriff of the County of *Somerset*'s Precept for electing Burgesses to serve in this present Parliament for the said Borough, not being signed by *John Jones*, one of the said Burgesses to whom the said Sheriff caused his Precept to be deliver'd, is an undue and insufficient Return.

3. *Resolved*, That the Indenture signed by the said *John Jones*, and other Burgesses of the said Borough of *Minehead*, and which was tendered to the said Sheriff, is a due and sufficient Return.

4. *Ordered*, That the Clerk of the Crown do take off from the Writ, the Indenture signed by the Burgesses of the Borough of *Minehead*, in the County of *Somerset*, which is not sign'd by *John Jones*, one of the said Burgesses, to whom the Sheriff caused his Precept to be delivered.

5. *Ordered*, That the Sheriff of the County of *Somerset*, do receive and annex to the Writ the Indenture sign'd by *John Jones*, and others of the Burgesses of the said Borough of *Minehead*.

6. *Ordered*, That *Samuel Edwyn Esq;*
and

and *Thomas Gage Esq;* have Liberty to petition this House, in relation to the Election for the said Borough of *Minehead*, within 14 Days next, if they think fit.

7. *Jovis, 13 die Junii, 1717.*

Resolved, That the Constables of *Minehead* are the proper Officers, to whom the Precept for electing Burgesses to serve in Parliament for the Borough of *Minehead*, in the County of *Somerset*, ought to be delivered, and to whom the Execution of such Precept doth belong.

8. *Lunæ, 24 die Februarii, 1717.*

Resolved, That the Right of Election of Burgesses to serve in Parliament, for the Borough of *Minehead*, in the County of *Somerset*, is in the Parishioners of *Minehead* and *Dunster*, being Housekeepers in the Borough of *Minehead*, and not receiving Alms.

9. *Lunæ, 8 die Januarii, 1721.*

A Petition of *John Thomas* and *John Floyd*, Constables of the Borough of *Minehead* in the County of *Somerset*, was presented to the House and read, setting forth, that they are the proper Officers to whom the Precept for electing Burgesses to serve in Parliament for the said Borough ought

to be delivered, and to whom the Execution of such Precept doth belong; but that at the late Election of a Burgess to serve in Parliament for the said Borough, the High Sheriff caused the Precept to be delivered to *John Viccary* and *Joseph Sherry*, and hath accepted a Return from them, and transmitted the same to the Clerk of the Crown, in Defiance of the Resolution of this House (of the thirteenth of *June 1717*) and did refuse to accept a Return from the Petitioners, though tendered to him by one of the Petitioners in Person; and praying the House to take the Premises into Consideration, and give such Relief as they shall think proper.

The Journal of the House of the said thirteenth Day of *June 1717*, relating to the Right of returning Members to serve in Parliament for the said Borough, was read.

Ordered, That the Clerk of the Crown do attend this House to-morrow Morning with the Return of a Burgess to serve in Parliament for the Borough of *Minehead* in the County of *Somerset*, in the room of *James Milner Esq;* deceased.

10. The House being informed, that *John Thomas* and *John Floyd* (the Petitioners) were attending at the Door with the Return by them tendered to the High Sheriff of the County of *Somerset*. Or-

Ordered, That *John Thomas* and *John Floyd* (Constables of the Borough of *Minehead*, in the County of *Somerset*) do attend this House to-morrow Morning, with the Return which was by them tendered to the High Sheriff of the County of *Somerset*..

11. *Martis, 9 die Januarii, 1721.*

The Clerk of the Crown attending (according to Order) with the Return of a Burgess to serve in this present Parliament for the Borough of *Minehead*, in the County of *Somerset*, in the Room of *James Milner Esq;* deceased, the said Return was read, which was sign'd by several of the Burgesses of the said Borough; and also the Precept of the Sheriff directed to the Burgesses, and Electors of the said Borough of *Minehead* was read; but there was not any Indorsement on the Back of the said Precept.

And *John Thomas* and *John Floyd*, (Constables of the said Borough) were called in and examined, and then they withdrew.

And a Witness was examined, who delivered in the Court-Rolls of the Manor and Borough of *Minehead*, at a Court held *October* the Nineteenth 1721, where the Constables for the said Borough were appointed, and so much of the said Rolls as related to the appointing of Constables was read.

And

And then *John Thomas* and *John Floyd*, (Constables of the said Borough) were called in, and at the Bar delivered in the Indenture of Return, which was by them tendered to the High Sheriff of the County of *Somerset*, after the late Election of a Burgeses to serve in this present Parliament for the said Borough. And then they withdrew.

And the said Indenture was read.

And the Resolution of the House of the Thirteenth of *June 1717*, by which it was resolved, that the Constables of *Minehead* are the proper Officers to whom the Precept for electing Burgeses to serve in Parliament for the said Borough ought to be delivered, and to whom the Execution of such Precept doth belong, was read.

Ordered, That the Clerk of the Crown do take off from the File the Indenture signed by *John Viccary* and *Joseph Sherry*, and other Burgeses of the Borough of *Minehead*, in the County of *Somerset*, the same not being signed by the Constables of the said Borough.

12. *Ordered*, That the Clerk of the Crown do receive and annex to the Writ, for the electing of a Burgeses for the said Borough, the Indenture delivered into this House by the Constables of the said Borough, which

was

was signed by them, and tendered to the High Sheriff of the County of Somerset.

13. *Resolved*, That *John Viccary* and *Joseph Sherry*, having presumed to act as the Returning Officers at the late Election of a Burgess to serve in Parliament for the Borough of *Minehead* in the County of *Somerset*, in Defiance of the Resolution of this House, are guilty of a high Crime and Misdemeanor.

14. They were ordered into Custody; and the High-Sheriff, and Under-Sheriff of the County were ordered to attend.

Jovis, 11 die Januarii, 1721.

15. *Resolved*, That *John Fox* being employed to carry the Writ for the late Election of a Burgess to serve in Parliament for the Borough of *Minehead*, to the High-Sheriff of the County of *Somerset*, has been guilty of a Breach of Trust in delivering the same to a Candidate.

16. *Ordered*, That the said *John Fox* be, for the said Offence, taken into the Custody of the Serjeant at Arms attending this House.

Jovis, 18 die Januarii, 1721.

17. A Motion being made, &c. that *John Wills Esq;* is guilty of a Crime, in having caused the Writ, for the late Election of
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of a Burgeſſs to ſerve in Parliament for the Borough of *Minehead* in the County of *Somerſet*, to be delivered to a Candidate ;

It paſſed in the Negative.

18. A Motion being made, and the Queſtion being put, that Sir *Richard Lane* Knt. being a Candidate at the late Election of a Burgeſſs to ſerve in this preſent Parliament, for the Borough of *Minehead*, in the County of *Somerſet*, is guilty of a Crime in receiving and detaining the Writ directed to the Sheriff for the ſaid Election ;

It paſſed in the Negative.

ST. MICHAEL.

Jovis, 12 die Decembris, 1689.

1. *Resolved*, That the Right of Election of Burgeſſes to ſerve in Parliament for the ſaid Borough (*St. Michael in Com. Cornub.*) is in the Lords of the Borough, who are liable to be choſen Port-Reves thereof, and in the Houſholders of the ſame not receiving Alms.

2. *Mercurii, 12 die Decembris, 1690.*

The ſame Reſolution agreed to by both Parties.

3. *Jovis, 20 die Martii, 1700.*

Resolved, That the Right of Election
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of Members to serve in Parliament for the Borough of *St. Michael* in the County of *Cornwall*, is in the Port-Reves and Lords of the Manor who are capable of being Port-Reves, and the Inhabitants of the said Borough paying Scot and Lot.

MONMOUTH. See *WALES*.

1. *Veneris*, 26 die *Novembris*, 1680.

Resolved, That the Right of Election of a Burgess to serve in Parliament for the Borough of *Monmouth* doth not belong to the Burgesses, Inhabitants of the Borough of *Monmouth* only.

2. *Resolved*, That the Burgesses Inhabitants of the Boroughs of *Newport* and *Uske* in the County of *Monmouth*, have a Right by vote in the Election of a Burgess to serve in Parliament for the said Borough of *Monmouth*.

3. *Sabbati*, 11 die *Junii*, 1715.

The House proceeded to the hearing the Matter of the Petition of *Andrews Windsor Esq*; touching the Election and Return for the Borough of *Monmouth*.

The Council for the Petitioner insisting to proceed upon the Merits of the Return in the first place, which the Council for the sitting Member opposing, and insisting that the Merits of the Election ought to be proceeded on at the same time, &c. *Re-*

Resolved, That the Council for the Petitioner be directed to proceed upon the Merits of the Election, as well as upon the Merits of the Return for the Borough of *Monmouth*.

4. *Martis, 14 die Junii, 1715.*

The Clerk of the Crown attending with the Return for the Borough of *Monmouth*, the same was read, and appeared to be made by the Mayor of *Newport*, and several Burgesses of *Monmouth*, *Newport* and *Uske*, without the Precept from the Sheriff of the County of *Monmouth* being annexed thereto.

Ordered, That the Clerk of the Crown do take the said Return off the File.

And he took the same off accordingly.

And the House being acquainted that the Mayor of *Monmouth* was in Town with the Return for the said Borough annexed to the Precept to him directed ;

Ordered, That the Mayor of the Borough of *Monmouth* do forthwith deliver to the Clerk of the Crown the Return (with the Precept annexed) of a Burgess to serve in this present Parliament for the said Borough ; and that the Clerk of the Crown do annex the same to the Writ returned by the Sheriff of the County of *Monmouth*.

MONTGOMERY.

1. *Martis, 1 die Aprilis, 1679.*

Double Return for the Borough of *Montgomery*.

One Indenture between the Sheriff of the County of one Part, and — *Whittingham* and *Roger Jones*, Bailiffs, and many Burgeses of the other Part, wherein Mr. *Matthew Price* is returned. Signed by both Bailiffs, and many Burgeses, and a large Seal against the Bailiffs Names, and a Seal to each of the Burgeses Names.

Another between the Sheriffs of one Part and many Burgeses of the Borough of *Montgomery*, *Pool*, and *Kanvilling* of the other Part, whereby Mr. *Edward Lloyd* is returned. Sign'd by many Burgeses, neither of the Bailiffs Hands, nor any Seal at all.

Resolved, That the Indenture wherein *Matthew Price* Esq; is returned to serve in this Parliament for the Borough of *Montgomery*, is well and duly Returned, and by the proper Officers, and that thereupon he ought to sit in this present Parliament, as well Returned for the said Borough of *Montgomery*.

2. *Martis, 16 die Aprilis, 1728.*

Resolved, That the Right of Election of Burgeses to serve in Parliament for the Shire-Town of *Montgomery*, is in the Burgeses of the said Shire-Town only.

MORPETH.

1. *Lunæ, 9 die Martii, 1694.*

Resolved, That the Right of electing Burgesses to serve in Parliament, for the Borough of *Morpeth*, (*in Com. Northumberland*) is only in the Bailiffs and Free Burgesses of the said Borough.

NEWARK.

1. *Jovis, 11 die Januarii, 1699.*

Resolved, That the Mayor, Aldermen, and all the Inhabitants within the Borough of *Newark upon Trent*, (*in Com. Nottingham*) who pay, or ought to pay Scot and Lot within the said Borough, have a Right to vote at the Election of Members to serve in Parliament for the said Borough.

NEWTOWN.

1. *Martis, 22 die Aprilis, 1729.*

1. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Newtown* in the Isle of *Wight*, in the County of *Southampton*, is in the Mayor and Burgesses of the said Borough, having Borough-Lands within the said Borough.

NORTHAMPTON.

1. *Luna, 11 die Novembris, 1678.*

It appearing to the House, that the Precept from the Sheriff was directed to the Mayor and Justices for the Borough of *Northampton*, and that the Indenture annexed to the Writ, whereby Sir *William Temple* is returned for the said Borough, is not signed by the Mayor, nor the Seal of the Corporation fixed thereto. And that the Indenture whereby *Ralph Montague Esq;* is returned, is signed by the Mayor and the Seal of the Corporation fix'd thereto, and that the same is annexed to the Precept of the Sheriff.

Resolved, Nemine Contradicente, That the Indenture annexed to the Writ, whereby Sir *Richard Temple* is returned to serve as a Burgess for the said Borough of *Northampton*, is not a sufficient Return.

2. *Resolved, Nemine Contradicente,* That the Indenture signed by the Mayor of *Northampton*, and sealed with the common Seal of the Corporation, and which is annexed to the Sheriff's Precept, whereby *Ralph Montague Esq;* is returned to serve for the said Borough, is a due Return, and ought to be annexed to the Writ.

And the Sheriff was ordered to annex the same accordingly ; and

Was

Was ordered into Custody of the Serjeant at Arms.

3. *Veneris, 21 die Martii, 1734.*

The House (according to Order) proceeded to the hearing of the Matter of the Petition of *Edward Montague Esq;* complaining of an undue Election and Return for the Town and Borough of *Northampton* in the County of *Northampton*.

And the last Determination of the House concerning the Right of electing Burgeses to serve in Parliament for the said Town, made the 26th Day of *April* in the 16th Year of the Reign of King *Charles* the Second was read; whereby it was Resolved, That the Inhabitants of the Town of *Northampton*, being Householders, and not receiving Alms, are the proper Electors of Burgeses for that Town; and that the sharing in the charitable Gift appointed to be distributed at Christmas is a taking of Alms.

4. And the Council for the Petitioner was heard, and insisting that the Freemen of the said Town having usually voted at former Elections, submitted to the House whether the said Freemen are excluded by the said Resolution.

And the Council for the sitting Member was also heard, and insisting that the said
Reso-

Resolution having declared the Inhabitants of the said Town, being Housholders and not receiving Alms, to be the proper Electors of Burgesses to serve in Parliament for that Town, submitted it to the House, whether the Right of Election is not in them only?

Then the Council for the Petitioner acquainted the House, That if it was their Opinion that the Right of electing Burgesses to serve in Parliament for the said Town was by the said Resolution confined to the Inhabitants thereof being Housholders, and not receiving Alms, he was not prepared to maintain a Majority of Votes for the Petitioner, and would in that Case give the House no further Trouble.

Resolved, That the Honourable George Compton Esq; is duly elected a Burgess to serve in this present Parliament for the Town of Northampton.

NORWICH.

1. *Jovis, 12 die Martii, 1701.*

Resolved, That the Right of electing Citizens to serve in Parliament for the City of Norwich, is in the Freeholders, and such Freemen only of the said City, as are entered in the Books, and do not receive Alms or Charity.

2. *Resolved*, That such Persons as had a Right

Right to their Freedom in the City of *Norwich*, before the Teste of the Writ, and took out their Freedom after the said Teste, not having demanded the same before the said Teste, had not a Right to vote in the last Election of Citizens to serve in this present Parliament for the said City.

3. *Jovis, 6 die Decembris, 1705.*

Resolved, That *William Blyth* Esq; late Mayor of the City of *Norwich*, by printing and publishing a pretended *By-Law* made in the Year 1640, contrary to *Magna-Char-ta*, in order to terrify the Electors of the said City from free and impartial voting in the late Election of Members to serve in Parliament for the said City, is guilty of an illegal and arbitrary Proceeding.

4. *Ordered*, That the said *William Blyth* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending this House.

OAKHAMPTON.

1. *Sabbati, 24 die Februarii, 1710.*

Resolved, That the Right of electing Members to serve in Parliament for the Borough of *Oakhampton*, in the County of *Devon*, is in the Freeholders and Freemen, being made Free according to the Charter and By-Laws of the said Borough.

OATHS.

OATHS.

See *Bribery, London, Quakers, Scotland.*

1. The Oaths which may be required to be taken at Elections are either to the Competency of the Fortune of the Voter, or of the Candidate; or to their Loyalty; or against Bribery in the Voter, or Returning Officer: The Oaths for this last Head are to be found under Title, *Bribery*; the rest are as follows, except for *London* and *Scotland*, which see.

2. *The Candidates Oath by Stat. 9 Ann. to be taken if required.*

I *A. B.* do swear that I truly and *bona fide* have such an Estate in Law or Equity, to and for my own Use and Benefit, of or in Lands, Tenements, or Hereditaments (over and above what will satisfy and clear all Incumbrances that may affect the same) of the annual Value of six hundred Pounds above Reprizes, as doth qualify me to be elected and returned to serve as a Member for the County of _____ according to the Tenor and true Meaning of the Act of Parliament in this Behalf; and that my said Lands, Tenements, or Hereditaments are lying or being within the Parish, Township or Precinct of _____ or in the several Parishes, Townships, or Precincts

cinets of in the County of
 or, in the several Counties of
 (as the Case may be.)

*The like Oath mutatis mutandis as to the
 Value of 300 l. to be taken by Candidates
 for a City, Borough, &c.*

Required by Stat. 10 Ann.

The Freeholders Oath is as follows.

3. You shall Swear that you are a Freeholder in the County of and have Freehold Lands, or Hereditaments lying or being at in the County of of the yearly Value of forty Shillings, above all Charges payable out of the same, and that such Freehold Estate hath not been made or granted to you fraudulently, on purpose to qualify you to give your Vote; and that the Place of your Abode is at in and that you have not been polled before at this Election.

4. *The Oath of Allegiance appointed by
 Stat. 1 W. & M. cap. 1.*

I *A. B.* do sincerely promise and swear,
 That I will be faithful, and bear true Allegiance to their Majesties King *William*
 and Queen *Mary*.

So help me God.

5. *The*

5. *The Oath of Supremacy, appointed by the same Stat.*

I *A. B.* do swear, That I do from my Heart abhor, detest, and abjure, as impious and heretical, that damnable Doctrine and Position, *That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever.* And I do declare that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me God.

6. *The Declaration, or Test, appointed by Stat. 30 Car. II. cap. 1.*

I *A. B.* do solemnly and sincerely in the Presence of God, testify, and declare, That I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the Consecration thereof, by any Person whatsoever; and that the Invocation or Adoration of the Virgin *Mary* or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of

Rome, are superstitious and idolatrous; and I do solemnly, in the Presence of God, profess, testify, and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever, or thinking that I am or may be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning.

7. *The Declaration of Fidelity, to be subscribed by Quakers, by Stat. 1 W. & M. cap. 18.*

I *N. B.* do sincerely promise and solemnly declare, before God and the World, that I will be true and faithful to King *William* and Queen *Mary*, and I do solemnly profess and declare, That I do from my Heart abhor, detest, and renounce, as impious and heretical, that damnable Doctrine and

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Posi-

Position, That Princes excommunicated, or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, that no foreign Prince, Person, Prelate, State or Potentate, hath or ought to have, any Power, Jurisdiction, Superiority, Pre-eminence, or Authority Ecclesiastical or Spiritual, within this Realm.

8. By Stat. 7 & 8 W. III. cap. 34. the Effect of the Abjuration, and the Freeholders Oath is to be administered to Quakers in this Form.

I *A. B.* do declare in the Presence of Almighty God, the Witness of the Truth of what I say.

9. The Formula appointed by Act of Parliament made 8 & 9 Sess. W. III. in Scotland.

I *A. B.* do sincerely from my Heart profess and declare before God, who searcheth the Heart, that I do deny, disown, and abhor these Tenets and Doctrines of the Papal Romish Church, viz. The Supremacy of the Pope and Bishop of Rome over all Pastors of the Catholick Church,
his

his Power and Authority over Kings, Princes and States, and the Infallibility that he pretends to, either without, or with a general Council, his Power of dispensing and pardoning, the Doctrine of Transubstantiation, and the Corporal Presence, with the Communion without the Cup in the Sacrament of the Lord's Supper, the Adoration and Sacrifice professed and practised by the Popish Church in the Mass, the Invocation of Angels and Saints, the Worshipping of Images, Crosses, and Reliques, the Doctrine of Supererogation, Indulgences, and Purgatory, and the Service and Worship in an unknown Tongue; all which Tenets and Doctrines of the said Church I believe to be contrary to and inconsistent with the written Word of God: and I do from my Heart deny, disown, and disclaim the said Doctrines and Tenets of the Church of *Rome*, as in the Presence of God, without any Equivocation or mental Reservation, but according to the known and plain Meaning of the Words, as to me offered and proposed.

So help me God.

10. *The Abjuration, as altered by Stat.*
4 Annæ, ch. 8.

10. I *A. B.* do truly and sincerely ac-
N 2 know-

knowledge, profess, testify, and declare in my Conscience, before God and the World, That our sovereign Lord King *George* is lawful and rightful King of this Realm, and all other his Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my Conscience, that the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease, pretending to be, and taking upon himself the Style and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Style and Title of King of *Great Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do renounce, refuse, and abjure any Allegiance or Obedience to him. And I do swear, That I will bear Faith and true Allegiance to his Majesty King *George*, and him will defend to the utmost of my Power, against all Traitorous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown, or Dignity. And I will do my utmost Endeavour to disclose and make known to his Majesty and his Successors, all Treasons and traitorous Conspiracies which I shall know to be against him or any of them.

them. And I do faithfully promise to the utmost of my Power, to support, maintain, and defend the Succession of the Crown against him the said *James*, and all other Persons whatsoever; which Succession, by an Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia*, Electress and Dutchess Dowager of *Hanover*, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian:

So help me God.

OATHS.

Jovis, 16 die Decembris, 1708.

11. Resolved, That Mr. *John Huggins*, High Bailiff of *Westminster*, at the late Election of Citizens to serve in this present Parliament for the City of *Westminster*, has, in Defiance of the Law, arbitrarily and il-

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legally refused to tender the Oath of Abjuration when required so to do, and thereby is guilty of a high Crime and Misdemeanor.

12. *Ordered*, That the said Mr. *Huggins* for his said Offence be committed to her Majesty's Prison of *Newgate*, and that Mr. *Speaker* do issue his Warrants for that Purpose.

OFFICES and EMPLOYMENTS.

1. By *Stat. 5 and 6 W. and M. ch. 7*. No Member of the House of Commons shall be concerned directly or indirectly, or any other in Trust for him, in farming, collecting, or managing any of the Duties, &c. that *then after* should be granted by Act of Parliament, except the Commissioners of the Treasury, and the Officers and Commissioners for managing the Customs and Excise; not exceeding the *then* present Number in each Office.

2. By *Stat. 5 and 6 W. and M. ch. 20*. Members of the Bank of *England* are allowed to be Members of the House of Commons. The like 3 *G. 1. ch. 9*. as to the *S. S. Company*, and 6 *G. 1. ch. 18*. as to the *Assurance Companies*.

3. By *Stat. 11 and 12 W. 3. ch. 2*. If any Member of the House of Commons, during the Time of his being a Member
of

of Parliament, by his Deputy, or any other in Trust for him, or for his Benefit, take, &c. any Office, &c. touching, &c. the managing or collecting the Duty of Excise, or determining Appeals concerning the same, or auditing the Accounts of the same, he is incapable of sitting, &c. in the House, in such Parliament.

4. By *Stat. 12 and 13 W. 3. ch. 10.* Members who take the Office of Commissioner or Farmer of the Customs, or Persons enjoying such Office in the Name of others, or by Deputy, are incapable of sitting in the House of Commons in such Parliament.

5. By *Stat. 2 and 3 Ann. ch. 4.* The Register of Deeds and Wills in the West-Riding of *Yorkshire*: And by *Stat. 6 Ann. ch. 5.* The Register in the East-Riding is also incapable.

6. By *Stat. 4 and 5 Ann. ch. 8.* Any Person who shall have in his own Name or in a Trustee, any new Office created after that Act, and Commissioners, &c. of Prizes, Comptroller of Army-Accounts, Commissioner of Transports, or of sick and wounded, or Agent of Regiment, or Commissioner of Wine-Licence, or Governor or Deputy-Governor of Plantations, or Commissioner of the Navy employed in Out-Ports, or Pensioner of the Crown during Pleasure, is incapable of being elected, or sitting.

7. If any Member accepts any Office of Profit from the Crown during such Time as he shall continue a Member, his Election is void, but he is capable of being Re-elected; this does not extend to Officers in Army or Navy, who receive any new Commission in the Navy or Army respectively. If a Member incapacitated by this Act be returned, 'tis void; and if he sits, he forfeits 500 l.

8. *Veneris, 10 die Februarii, 1698.*

Resolved, That *James Isaackson*, having since his being elected to serve in this Parliament, been concerned and acted as a Commissioner in managing the Duties upon Vellum, Paper and Parchment, contrary to the Act made in the fifth and sixth Years of His Majesty's Reign, for granting several Duties upon Salt, Beer, Ale, and other Liquors, be expelled this House.

And

9. *Lunæ, 13 die Februarii, 1698.*

The like Vote upon *Henry Cornish Esq;* a Commissioner for the same Duties.

And

10. *Martis, 14 die Februarii, 1698.*

The like Vote upon *Sir Henry Furnese*, a Collector and Manager upon the Act 9. and 10 *W. 3.* for raising a Sum not exceeding

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ing two Millions, &c. contrary to the Act 5 and 6 W. 3.

11. The same Day

The like Vote upon *Samuel Atkinson Esq;* a Commissioner, upon 9 and 10 W. 3. for licensing Hawkers and Pedlars, &c. contrary to the Act 5 and 6 W. 3.

12. *Luna*, 20 die *Februarii*, 1698.

The like Vote upon *William Wollaston Esq;* Receiver of the Duties upon Houses, and also upon Births, &c. contrary to the Act 5 and 6 W. 3.

The like Votes have been on many others; but the Style has since been softened, as appears by many of the Votes which follow under this Head.

13. *Mercurii*, 9 die *Februarii*, 1708.

The House being acquainted, that Sir *Richard Allen*, lately adjudged to be duly elected a Burgess to serve in this present Parliament for the Borough of *Dunwich*, desires the Opinion of the House, before he takes his Place, upon the Clause in the Act of Parliament of the 12th and 13th Years of King *William*, intituled, *An Act for granting an Aid to his Majesty, for defraying the Expence of his Navy, Guards and Garrisons for one Year, and for other necessary Occasions*; which relates to the
Officers

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Officers of the Customs, in regard he was by Letters Patent granted by King *Charles* the II^d. dated the 31st Day of *May*, in the 30th Year of his Reign, made (by the Name of *Richard Anguissb*) Collector of the great and petty Customs, in the Port of *Yarmouth*, for his Life; but surrender'd such Office the 7th Day of *February* instant, which was acknowledged and enrolled the next Day.

And a Debate arising in the House thereupon, and a Motion being made, and the Question being put, that the Debate be adjourned,

It passed in the Negative.

Then the said Letters Patent and Surrender were produced, and the Surrender read.

Resolved, That the said Sir *Richard Allen* be admitted to take his Seat in this House.

14. *Sabbati, 23 die Decembris, 1710.*

Ordered, &c. a New Writ for a Burgess in the Room of *James Worsley Esq*, who since his being elected, hath been by her Majesty appointed Wood-ward of the New Forest.

15. *Luna, 5 die Februarii, 1710.*

Ordered, &c. a new Election in the Room of Sir *James Wisbeart*, who since his Election

tion has been appointed by her Majesty, to be one of the Commissioners for executing the Office of Lord High Admiral of Great Britain.

16. *Lunæ, 12 die Februarii, 1710.*

In the Case of Sir William Gifford, Governor of Greenwich-Hospital, it did not incapacitate him to sit in Parliament pursuant to Stat. 4. Ann. because it appear'd on inspecting the Constitution of the said Hospital that it was before the said Statute.

17. *Sabbati, 17 die Februarii, 1710.*

A new Election ordered in the Room of the Earl of Hertford, who since his Election had been appointed Governor of Tinnmouth-Fort.

18. *Martis, 10 die Aprilis, 1711.*

The House proceeded to take into Consideration the Charters of Sir John Anstruther, relating to his heritable Offices in Scotland, descended to him from his Father, and the Charter of the 29th of April, 1704, was read, constituting the said Sir John Anstruther's Father, and his Heirs Males to be hereditary and perpetual Inspectors and Searchers of all prohibited and uncustom'd Goods, and Keepers of the Cocquets in the Ports of Ely and Anstruther in the Kingdom
of

of Scotland: And also several Clauses in the Act of 12 and 13 *William III.* intituled, *An Act for granting an Aid to his Majesty, for defraying the Expence of his Navy, Guards and Garrisons for one Year, and for other necessary Occasions,* was read.

And also a Clause in the Act of the sixth Year of his Majesty's Reign, Chap. 7. intituled, *An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line,* was read.

Resolved, That the Hereditary Offices of an Inspector and Seatcher of all prohibited and uncustom'd Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anstruther* in *North-Britain*, are within the Meaning of the Act of Parliament of the 12th and 13th Years of his late Majesty King *William*, whereby any Member of the House of Commons, having an Office, Place, or Employment, concerning the farming, managing, or collecting the Customs, is absolutely incapable of being a Member of this House.

19. *Resolved,* That Sir *John Anstruther* having, by the Death of his Father, the hereditary Offices of an Inspector and Searcher of all prohibited and uncustomed Goods, and Keeper of the Cocquets, in the Ports of *Ely* and *Anstruther*, in *North-Britain*,

tain, descended to him; but not having taken, enjoyed, or executed the same, is capable of being a Member of this House.

20. *Lunæ*, 28 *die Martii*, 1715.

The House being informed that *John Richmond Webb Esq;* desires the Opinion of this House, in relation to his taking his Place in the House, in respect of his being constituted Governor of the *Isle of Wight* by Letters Patent which passed the Great Seal since his Election, but issued pursuant to a Warrant granted before the Election :

Ordered, That the said Warrant and Letters Patent be laid before this House.

21. *Jovis*, 7 *die Julii*, 1715.

The House being acquainted that *George Carpenter Esq;* since his Election for the Borough of *Whitechurch*, is appointed his Majesty's Envoy to the Court of *Vienna*, and that he desires to know the Sense of the House, whether he is included in the Disability of the Act of the 6th Year of her late Majesty, and the Clause in the said Act relating thereto was read ;

And the Question being put, that *George Carpenter Esq;* being appointed his Majesty's Envoy at the Court of *Vienna* since his Election for the Borough of *Whitechurch*, in the County of *Southampton*, his
O
Election

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Election for the said Borough is thereby become void:

It passed in the Negative.

22. *Sabbati*, 24 *die Martii*, 1715.

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the Borough of *Andover* in the County of *Southampton*, in the room of the Honourable *James Brudenell*, who (since his Election for the said Borough) hath accepted the Office of Master of the Jewel-Office to his Majesty.

23. *Martis*, 28 *die Martii*, 1716.

The House being informed that the Letters Patent by which the Office of *Garter*, principal King of Arms, after the Death of Sir *Henry St. George* was granted by her late Majesty to *John Anstis* Esq; have been delivered to the Clerk of this House, and are now on the Table.

Ordered, That the said Letters Patent be now read.

The said Letters Patent were read.

And a Motion being made, that Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing a Burgess to serve in this present

sent

sent Parliament for the Borough of *Dunbeved*, alias *Launceston*, in the County of *Cornwall*, in the Room of *John Ayltis* Esq; who since his Election for the said Borough hath accepted the Office of *Quarter* principal King of Arms, granted to him by her late Majesty after the Death of Sir *Henry St. George*, who is now dead;

And a Debate arising in the House there-upon,

Ordered, That the Debate be adjourned until *Friday* Seven-night.

Resolved, That the House do adjourn till *Monday* Seven-night.

The House being adjourned to a longer Day, than the Debate, there was nothing done in it this Session. See below, *Seet. 30.*

24. *Veneris, 15 die Junii, 1716.*

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſs to ſerve in this preſent Parliament for the Borough of *Eye* in the County of *Suffolk*, in the Room of *Edward Hopkins* Esq; who ſince his Election for the ſaid Borough, hath accepted the Office of one of the Commiſſioners of his Maſteſty's Revenue in *Ireland*.

25. *Martis, 26 die Junii, 1716.*

The like for the Borough of *Old Sarum*

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in the County of *Wilts*, in the room of *Thomas Pitt* Esq; who since his Election for the said Borough, hath accepted of being Governor of the Plantation of *Jamaica*.

26. *Sabbati*, 30 *die Martii*, 1717.

The like for the Borough of *Woodstock*, in the County of *Oxon*, in the room of *Sir Thomas Wbeate* Bart. who, since his Election for the said Borough, hath accepted the Office of chief Keeper of the Ordnance, Munition, and Stores belonging to the Office of Ordnance.

27. *Martis*, 18 *die Junii*, 1717.

The like for the Borough of *Cockermouth*, in the County of *Cumberland*, in the room of *Nicholas Leckmere* Esq; who, since his Election for the said Borough, hath accepted the Office of Chancellor of the Dutchy of *Lancaster* for Life.

28. *Lunæ*, 25 *die Novembris*, 1717.

The like for the Borough of *Bere-alston*, in the County of *Devon*, in the Room of *Horatio Walpole* Esq; who, since his Election for the said Borough, hath accepted the Office of Surveyor and Auditor-General of all his Majesty's Revenues arising in *America*.

29. *Lunæ*,

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29. *Lunæ, 2 die Decembris, 1717.*

The like for the Borough of *Ipswich*, in the County of *Suffolk*, in the room of *William Churchill Esq;* who, since the Election for the said Borough, hath accepted the Office of Bookseller, Bookbinder, and Stationer to his Majesty.

30. *Sabbati, 7 die Decembris, 1717.*

The like for the Borough of *Dunbeved*, alias *Launceston*, in the County of *Cornwall*, in the room of *John Austis Esq;* who, since his Election for the said Borough, hath accepted the Office of Garter Principal King at Arms.

31. *Jovis, 20 die Martii, 1717.*

The like for the Port of *Dover*, in the room of *Matthew Aylmer Esq;* who, since his Election for the said Port, hath accepted the Office of Master of *Greenwich Hospital* for his Life.

32. *Lunæ, 3 die Aprilis, 1721.*

The like for the City of *Carlisle*, in the County of *Cumberland*, in the room of *Thomas Stanwix Esq;* who, since his Election for the said City, hath accepted the Office of Governor of the Town of *Kingston upon Hull*.

33. *Martis, 9 die Martii, 1727.*

A Motion being made, and the Question being proposed, That *Edmund Miller*, Serjeant at Law, is duly elected a Burgess to serve in this present Parliament for the Borough of *Petersfield* in the County of *Southampton* :

The 19th Article of the Act, *Quinto Anna*, for an Union of the two Kingdoms of *England* and *Scotland*, was read ; and the Act, *Sexto Anna*, for settling and establishing a Court of *Exchequer* in the North Part of *Great Britain* called *Scotland*, was also read ;

And a Debate, &c.

Resolved, That *Edmund Miller*, Serjeant at Law, is duly elected a Burgess to serve in this present Parliament for the Borough of *Petersfield*, in the County of *Southampton*.

34. *Sabbati, 9 die Junii, 1733.*

The House being informed, that Lieutenant-General *Wade*, (a Member of this House) hath, since his Election to serve in this present Parliament for the City of *Bath*, in the County of *Somerset*, accepted of the Office of Governor of *Fort-William*, *Fort-Augustus*, and *Fort-George*, in that Part of *Great Britain* called *Scotland* ; and the

Opinion of the House being desired, whether by the Acceptance of the said Office his Seat in Parliament became void ;

And the 29th Section of the Act made in the fourth Year of the Reign of Queen *Anne*, intituled, *An Act for the better Security of her Majesty's Person and Government, and of the Succession to the Crown of England in the Protestant Line*, being read ;

The Journal of the House of the 28th Day of *February* in the seventh Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Burgeſs to ſerve in Parliament for the Borough of *Arundel*, in the County of *Suffex* :

And the Journal of the House of the 17th Day of *February* in the ninth Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Knight to ſerve in Parliament for the County of *Northumberland* :

And the Journal of the House of the first Day of *February*, in the tenth Year of the Reign of Queen *Anne*, in relation to the making out a new Writ for the electing a Burgeſs to ſerve in Parliament for the Borough of *Camelford*, in the County of *Cornwall* :

And a Motion being made, and the Queſtion being put, That the accepting a Com-
miſſion

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mission of Governor, or Lieutenant-Governor of any Fort, Citadel or Garrison, upon the Military Establishment of his Majesty's Guards and Garrisons in *Great Britain*, by any Member of this House being an Officer in the Army, does vacate the Seat of such Member in this House ;

It passed in the Negative.

35. *Mercurii, 13 die Junii, 1733.*

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Burgess to serve in this present Parliament for the Borough of *Andover*, in the County of *Southampton*, in the Room of the honourable *James Brudenell Esq;* who since his Election for the said Borough hath accepted the Office of one of the Grooms of his Majesty's Bed-chamber.

36. *Martis, 11 die Februarii, 1734.*

A new Writ ordered for the Borough of *Eastlow*, in the room of Mr. *Trelawney*, who since his Election for the said Borough, hath continued to enjoy the Office of one of the Commissioners of his Majesty's Customs.

37. *Jovis, 3 die Aprilis, 1735.*

The like for the Port of *Hastings*, in
the

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the room of Sir *William Ashburnham*, Bart. who, since his Election, accepted the Office of Receiver of Compositions in his Majesty's Office of Alienations.

38. *Veneris, 9 die Maii, 1735.*

The like for the Borough of *Honiton*, in the room of Sir *William Younge* Bart. &c. who, since his Election, accepted the Office of his Majesty's Secretary at War.

39. *Jovis, 15 die Maii, 1735.*

The like for the Borough of *Reading*, in the room of *Richard Pottenger* Esq; who, since his Election, accepted the Office of one of his Majesty's Justices of the Counties of *Chester* and *Flint*, and of *Denbigh* and *Montgomery*.

40. The like for the Boroughs of *Horsbam* and *Wendover*, in the room of the Honourable *Henry Ingram* Esq; and of *John Hampden* Esq; who, since their Elections, accepted severally the Offices of Commissaries of his Majesty's Stores and Provisions at *Minorca* and *Gibraltar*.

41. *Lunæ, 16 die Februarii, 1735.*

The like for *Dorchester*, in the room of *John Browne* Esq; who, since his Election,

tion, accepted the Office of one of his Majesty's Counsel learned in the Law.

42. *Lunæ, 29 die Martii, 1736.*

The like for *Hyeth*, in the room of *Hercules Baker Esq;* who, since his Election for the said Town and Port, accepted the Office of Treasurer of the Royal Hospital at *Greenwich*.

43. *Mercurii, 19 die Maii, 1736.*

The like for the Borough of *Droitwich*, in the room of *Thomas Winnington Esq;* who since his Election for the said Borough, accepted the Office of one of the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer.

44. *Martis, 1 die Februarii, 1736.*

The like for the Borough of *Tiverton*, in the room of *Dudley Ryder Esq;* who, since his Election for the said Borough, accepted the Office of Attorney General to his Majesty.

45. *Lunæ, 28 die Februarii, 1736.*

The like for the Borough of *Weymouth* and *Melcombe Regis*, in the room of *Edward Tucker, Esq;* who, since his Election for the said Borough, accepted the Office of Supervisor of his Majesty's Quarries in the

the Island of *Portland* in the County of *Dorset*.

46. *Martis*, 22 die *Martii*, 1736.

The like for the City of *Coventry*, in the Room of *John Bird* Esq; who, since his Election for the said City, accepted the Office of one of the Commissioners for managing the Duties arising by Stamps.

47. *Veneris*, 17 die *Junii*, 1737.

The like for the Borough of *Hindon*, in the room of *Henry Fox* Esq; who, since his Election for the said Borough, accepted the Office of Surveyor-General of his Majesty's Works.

48. *Lunæ*, 20 die *Junii*, 1737.

The like severally for the Boroughs of *Knaresborough*, *Malmesbury*, and *Wilton*, in the rooms of the Honourable *Richard Arundell* Esq; *Giles Earle* Esq; and the Honourable *Robert Jenkins* Esq; who, since their several Elections for the said Boroughs, respectively accepted the Offices of Master and Worker of his Majesty's Mint, of one of the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer, and one of the Commissioners for Trade and Plantations.

49. And the like for the Borough of *Whitchurch*, in the room of Lieutenant Colonel *John Mordaunt*, who, since his Election for the said Borough, accepted the Office of one of the Equerries to his Majesty. And,

50. The like for the County of *Northumburberland*, in the room of *Ralph Jenison Esq*; who, since his Election for the said County, accepted the Office of Master of his Majesty's Buckhounds.

51. *Martis, 21 die Junii, 1737.*

The like for the District of Burghs of *Forres, Inverness, Nairn, and Fortrofs*, in the room of *Duncan Forbes Esq*; who, since his Election for the said District of Burghs, accepted the Office of Lord President of the College of Justice in *Scotland*. And,

52. The like for the Shire of *Dumfries*, in the room of *Charles Areskine Esq*; who, since his Election for the said Shire, accepted the Office of his Majesty's Advocate for *Scotland*. And,

53. The like for the Borough of *Newport*, in the room of the Right Honourable *Gustavus, Lord Viscount Boyne*, in the Kingdom of *Ireland*, who, since his Election for the said Borough, accepted the Office of one of the Commissioners of his Majesty's Revenue in *Ireland*. And,

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54. The like for the Shire of *Edinburgh*, in the room of *Robert Dundas Esq;* who, since his Election for the said Shire, accepted the Office of one of the Senators of the College of Justice in *Scotland*.

55. *Martis, 24 die Januarii, 1739.*

The like for the Borough of *Rippon*, in the room of *William Aislabie Esq;* who, since his Election for the said Borough, accepted the Office of one of the Auditors of the Imprests.

56. *Lunæ, 6 die Februarii, 1737.*

The like for the Borough of *Stamford*, in the Room of *William Noel Esq;* who, since his Election for the said Borough, accepted the Office of one of his Majesty's Counsel learned in the Law.

57. *Martis, 14 die Februarii, 1737.*

The like for the Borough of *Dunwich*, in the room of *Sir Orlando Bridgman, Bart.* who, since his Election for the said Borough, accepted the Office of Governor of his Majesty's Island of *Barbadoes*.

58. *Jovis, 2 die Martii, 1737.*

The like for the Borough of *New-Windsor*, in the room of the Right Honourable

P

Vere

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Vere Beauclerk Esq; (commonly call'd Lord *Vere Beauclerk*) who, since his Election for the said Borough, accepted the Office of one of the Commissioners for executing the Office of Lord High Admiral of Great Britain.

59. *Martis, 9 die Maii, 1738.*

The like for the Town of *Kingston upon Hull*, in the room of *George Crowle* Esq; who, since his Election for the said Town, accepted the Office of one of the Commissioners of his Majesty's Navy.

60. *Martis, 16 die Maii, 1738.*

The like severally for the Town and Port of *Seaford*, and the Boroughs of *Bury St. Edmunds*, and *Clifton-Dartmouth-Hardness*, in the room of *William Hay* Esq; the Honourable *Thomas Harvey* Esq; and *Walter Cary* Esq; who, since their Elections, respectively accepted the Offices of one of the Commissioners for victualling his Majesty's Navy, of Surveyor of his Majesty's Gardens, and of one of the Clerks Comptrollers of his Majesty's Household.

61. *Mercurii, 17 die Maii, 1738.*

The like for the Borough of *Helfton*, in the room of *John Harris* Esq; who, since his

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his Election for the said Borough, accepted the Office of Pay-master of his Majesty's Board of Works.

62. *Jovis, 1 die Februarii, 1738.*

The like for the City of *Oxford*, in the room of *Matthew Skinner Esq*; who, since his Election for the said City, accepted the Office of Chief Justice of *Chester*.

63. *Martis, 22 die Maii, 1739.*

The like severally for the Boroughs of *Plymouth* and *New-Shoreham*, in the rooms of the Honourable *Robert Byng Esq*; and *John Philipson Esq*; who, since their Elections, respectively accepted the Offices of Governor of his Majesty's Island of *Barbadoes*, and one of the Commissioners of his Majesty's Navy.

64. *Martis, 4 die Decembris, 1739.*

The like for the County of *Monmouth*, in the room of *Charles Hanbury Williams Esq*; who, since his Election for the said County, accepted the Office of Pay-master of his Majesty's Marine Regiments.

65. *Jovis, 18 die Decembris, 1740.*

The like for the Town of *Malmesbury*, &c. in the room of Mr. *Earle*, who, since

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his Election, accepted the Office of Clerk of his Majesty's Ordnance.

66. *Mercurii, 20 die Februarii, 1739.*

— The Question being put, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Salisbury*, in the County of *Cornwall*, in the room of *Thomas Corbett Esq*; who hath accepted a Salary of two hundred Pounds *per Annum*, by his Majesty's Royal Sign Manual, dated the 14th of *August 1739*, as Secretary to the Court of Assistants for Relief of poor Widows of Commission and Warrant Officers of the Royal Navy, establish'd by virtue of a Commission under the great Seal, bearing Date the 30th of *August 1732*.

It passed in the Negative.

N. B. Before the putting of the foregoing Question, the 25th and 29th Sections of Stat. 6 Ann. and Stat. 1 G. 1. were read.

67. *Martis, 1 die Aprilis, 1740.*

A new Writ was ordered for *Brecon*, in the room of the Honourable *John Talbot Esq*; who, since his Election for the said Town, accepted the Office of one of his Majesty's Justices of the Counties of *Gloster* and *Flint*, and of *Denbigh* and *Montgomery*.

68. *Mercurii, 23 die Aprilis, 1740.*

The like for the Borough of *New-Windsor*, in the room of the Right Honourable *Sidney Beaucherk Esq;* (commonly call'd *Lord Sidney Beaucherk*;) who, since his Election for the said Borough, accepted the Office of Vice-Chamberlain of his Majesty's Household.

69. *Martis, 25 die Novembris, 1740.*

The House being informed that *Sir Watkyn Williams Wynn, Bart.* a Member of this House hath accepted the Office of Steward of his Majesty's Lordships and Manors of *Bromfield and Talz*, in the County of *Denbigh*, now come to him on the Death of his Father, *Sir William Williams, Bart.* by Virtue of a Grant from *Queen Anne*; and that the said *Sir Watkyn Williams Wynn* desired the Opinion of the House, whether his Seat in this House was thereby vacated.

And the House being informed, that *Mr. Thomas Gilbert* attended at the Door, with a Copy of the said Grant, he was called in, and at the Bar produced the same.

And then he withdrew.

And the Copy of the said Grant, dated the sixth Day of *April*, in the third Year of her said Majesty's Reign, was read; whereby the Queen (reciting a Grant of

the said Office, by King *Charles* the Second, to *Henry Wynn* Esq; for his Life; and after his decease, to his Son *John Wynn* Esq; for his Life; and also reciting the Death of the said *Henry Wynn* granted the said Office to Sir *William Williams* Bart. deceased, for his Life, to have the said Office immediately after the decease of the said *John Wynn*; and also to his Son, now Sir *Watkyn Williams Wynn*, for his Life, for him the said *Watkyn Williams Wynn* to have, enjoy, and exercise the said Office immediately after the decease of the said Sir *William Williams*, with an annual Salary of twenty Pounds, and with all Profits to the said Office belonging.

And the 26th Section of an Act made in the 6th Year of the Reign of Queen *Anne*, intituled, *An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line*, whereby the Election of any Person, who being chosen a Member of the House of Commons, shall accept of any Office of Profit from the Crown, is declared to be void, was also read.

Ordered, That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Knight of the Shire to serve in this present Parliament

Parliament for the County of *Denbigh*, in the Room of Sir *Waskyn Williams Wynn* Bart. who, since his Election for the said County, hath accepted the Office of Steward of his Majesty's Lordships and Manors of *Bromfield* and *Tale* in the said County of *Denbigh*.

70. By Stat. 7 G. 2. ch. 16. Judges of the Court of Session, or Justiciary, and Barons of the Exchequer in *Scotland*, are incapable of being elected into Parliament.

ORFORD.

Sabbati, 10 die Februarii, 1699.

1. Resolved, That the Right of electing Burgesses to serve in Parliament for the said Borough (*Orford in Com. Suffolk*), is in the Mayor, Portmen, capital Burgesses, and Freemen of the said Borough.

Sabbati, 29 die Januarii, 1708.

2. Resolved, *Nemine Contradicente*, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Orford*, (*in Com. Suffolk*) is in the Mayor, Portmen, capital Burgesses, and Freemen not receiving Alms.

3. And a Book being produced on the Part of the sitting Members, as a Book of the

the Corporation, beginning in the Year 1693, (called the white Book) to prove several Persons (who voted for them) to be Freeman, which Book being objected to by the Petitioner's Council, the Council and Witnesses withdrew, and were afterwards called in again; and Mr. *Speaker*, (by direction of the House) acquainted them that the House were of Opinion, that the said Book shou'd be given in Evidence as to Freeman made after *August 1704*.

4. And a Motion being made, and the Question being put, That the Council be admitted (by living Witnesses) to give Evidence as to Freeman entered in the white Book before *August, 1740*;

It passed in the Negative.

PEEBLES.

Veneris, 11 die Maii, 1733.

1. Mr. *Earle* (according to Order) reported, &c. the Election and Return for the County of *Peebles*, &c.

Resolved, That it is the Opinion of this Committee, that the Right of Election of a *Præses* and Clerk, is in such Persons, as stand upon the Roll last made up by the Freeholders at the *Michaelmas* Head-Court, or at the last Election of a Member to serve in Parliament.

Here follow four other Resolutions, who were duly elected Præses, and Clerk, and

who was duly returned, and duly elected
Commissioner for the said Shire.

The first Resolution of the Committee
being read a second Time;

Part of an Act of the Parliament of
Scotland made September 17, 1681, (intituled,
An Act concerning the Election of Commis-
sioners for Shires,) was read.

And the third Section of an Act made
in the twelfth Year of the Reign of Queen
Anne, (intituled, *An Act for the better regu-*
lating the Elections of Members to serve in
Parliament for that Part of Great Britain
called Scotland) was also read.

Then the said Resolution was agreed to
by the House.

PEMBROKE.

1. Sabbati, 23 die Februarii, 1711.

Resolved, That the Mayor and Burgeses
of the ancient Borough of *Wiston*, in the
County of *Pembroke*, have a Right to vote
in the Election of a Member to serve in
Parliament for the Borough of *Pembroke*.

PETERBOROUGH.

1. Martis, 9 die Aprilis, 1728.

Resolved, That the Execution of the
Precept for electing Citizens to serve in
Parliament for the City of *Peterborough*, in
the County of *Northampton*, and the
making

making the Return thereof, are in the Bailiff of the said City appointed by the Dean and Chapter of the Cathedral Church of Peterborough.

Luna, 13 die Maii, 1728.

2. *Resolved*, That the Right of electing Citizens to serve in Parliament for the City of Peterborough, in the County of Northampton, is in the Inhabitants within the Precincts of the Minister there, being Householders not receiving Alms within the said City, paying Scot and Lot.

PETERSFIELD.

1. *Martis, 9 die Maii, 1727.*

Mr. Gibbon (according to Order) reported from the Committee—

Resolved, That it is the Opinion of this Committee, that the Right of Election of Burgesses to serve in Parliament for the Borough of Petersfield in the County of Southampton, is in the Freeholders of Lands or ancient Dwelling-Houses or Shambles, or Dwelling-Houses or Shambles built upon ancient Foundations within the said Borough.

Agreed to by the House.

PETITION.

P E T I T I O N.

1. *Jovis, 14 die Decembris, 1699.*

Resolved, That the Petition of several Inhabitants within the said Borough, (*St. Ives in Com. Cornub.*) presented to the House of Commons this Session of Parliament, touching the late Election for the said Borough, is not the same in Substance with the Petition from several Inhabitants of the said Borough, presented to the House of Commons the last Session of Parliament, relating to the said Election.

2. *Ordered,* That the Committee of, &c. do not proceed any further upon the Petition touching the said Election.

See the Vote of the next Day and of the 19th, concerning Sir *Thomas Stamp's* Petition for the Borough of *Reading*, and see 17 Jan. 1699, 31 Jan. 1699, 6 Martii, 1699.

2. *Mercurii, 3 die Martii, 1713.*

A Petition of *Theophilus Oglethorpe Esq;* was read, complaining of an undue Election and Return for the Borough of *Haslemere*, in the County of *Surrey*; and the House being informed, that it is not believed the said Mr. *Oglethorpe* did or could sign the said Petition (as he ought to have done)

done) he being abroad beyond the Seas; and it appearing to be delivered to the Clerk of this House the 18th of *September* last (soon after the Election for the said Borough) as the House was also informed by one Mr. *Orby*.

Ordered, That the said Petition do lie upon the Table.

4. *Ordered*, That the said Mr. *Orby* do attend this House To-morrow Morning.

5. *Jovis, 4 die Martii, 1713.*

The House being informed that Mr. *Orby* attended (according to Order) he was called in, and examined touching the Petition of Mr. *Oglethorpe*, relating to the Election for the Borough of *Hastlemere* in the County of *Surrey*; and he owned the Delivery of the said Petition to the Clerk of this House, declaring that he had the same from the Lady *Oglethorpe*, with her Desire to deliver it; but that he knew nothing of the signing thereof; and the same not appearing to be signed by Mr. *Oglethorpe*,

Resolved, That the said Petition be rejected.

Martii, 9 die Martii, 1713.

6. The House being informed that the Petition of Colonel *John Ereskine*, complaining

plaining of an undue Election and Return for the Burghs of *Stirling, Culross, Dumferling, Innerkeithing, and Queen's-ferry*, is not signed by the Petitioner.

Ordered, That it be an Instruction to the Committee of Privileges and Elections, that before they proceed upon the said Petition, they do examine into the Manner of signing the same.

7. *Mart is, 6 die Aprilis, 1714.*

Sir Gilbert Dolben (according to Order) reported from the Committee of Privileges and Elections, the Matter, as it appeared to them, touching the Manner of signing the Petition of *James Barry, Earl of Barrymore* in the Kingdom of *Ireland*, complaining of an undue Election for the Borough of *Wigan*, in the County of *Lancaster*; which Report he read in his Place, and afterwards delivered in at the Table, where the same was read.

Resolved, That the Committee of Privileges and Elections be discharged from proceeding upon the Petition of the Earl of *Barrymore*, complaining of an undue Election for the Borough of *Wigan* in the County of *Lancaster*, the said Petition not having been signed by the said Earl himself, but having been signed by the Order of the said Earl, and owned by him.

8. A Motion being made, and the Question being put, that the Earl of *Barrymore* be at liberty to present a new Petition signed by himself, and containing the same Allegations which were contained in the former Petition, and no other;

It passed in the Negative.

9. *Jovis, 6 die Maii, 1714.*

Ordered, That the Committee of Privileges and Elections be discharged from proceeding on the said Petition (of Colonel *John Erskine* for the Burghs of *Stirling*, &c.) the same not having been signed by the Petitioner himself.

Sabbati, 18 die Junii, 1715.

10. The Question being put, That *Simon Gough* and *John Moor* having signed the Indenture of Return, by which *Charles Cornwall Esq;* is returned a Burgess to serve in this present Parliament for the Borough of *Weobly* in the County of *Hereford*, the House will proceed on the Petition of the said *Simon Gough* and *John Moor*, complaining of an undue Election of the said *Charles Cornwall Esq;*

It passed in the Negative.

11. *Luna, 4 die Martii, 1716.*

A Petition of divers of the Inhabitants
of

of the Borough of *Leominster* in the County of *Hereford*, was presented to the House and read, complaining of an undue Election for the said Borough.

And a Motion being made, and the Question being put, that the said Petition be referred to the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the same, with their Opinion thereupon to the House ;

It passed in the Negative.

12. *Resolved*, That the said Petition be rejected.

13. *Sabbati, 6 die Aprilis, 1717.*

A Petition of several of the Inhabitants and Burgesses of the Borough of *Leominster* in the County of *Hereford*, who have a Right of voting for electing Members to serve in Parliament for the said Borough, was presented to the House and read, complaining of an undue Election and Return for the said Borough.

Ordered, That the said Petition be referr'd to the Consideration of the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the same with their Opinion thereupon, to the House.

14. *Martis, 23 die Octobris, 1722.*

Upon an undue Return for *Inverness, &c.* (See Title *Inverness*) it was

Ordered, That Alexander Gordon of Ardach Esq; be at liberty to petition this House touching the Election for the District of Burghs of Inverness, Nairn, Forres, and Forrose, within fourteen Days next, if he thinks fit.

15. *The like Orders were made on Thursday the 25th of the same Month concerning an undue Return for the District of Burghs of Inverbervy, Aberdeen, Montrose, Brichen, and Aberbrothick; the Borough of Inverbervy being the presiding Borough.*

16. *And on the 27th of the same Month, the like Orders were made concerning an undue Return for the Burghs of Dysart, Burnt-Island, Kirkaldie, and Kinghorn; the Burgh of Dysart being the presiding Burgh.*

17. *And on the same Day the like concerning an undue Return for the District of Burghs of Kilrenny, Anstruther-Wester, Anstruther-Easter, Pittenweem, and Crail; Kilrenny being the presiding Burgh.*

18. *And on the same Day the like, concerning, &c. Forfar, Perth, Dundee, St. Andrews, and Coupar; Forfar being the presiding Burgh.*

19. *Mer-*

19. *Mercurii, 21 die Novembris, 1722.*

The standing Order of the 18th Day of February 1707, was read, viz.

Mercurii, 18 die Februarii, Anno 6 Anna Regina.

Resolved, That all Petitions upon every new Parliament relating to Elections and Returns be delivered to the Clerk of this House, and be laid by him upon the Table, before the Speaker be chosen.

Ordered, That the said Order be discharg'd from being one of the standing Orders of this House.

20. *Mercurii, 3 die Martii, 1729.*

The Petition of the major Part of the Burgeses of the said Borough of *Beaumaris* (in *Com. Anglesey*) and also the Petition of the Burgeses of the Borough of *Newburgh*, in the said County of *Anglesey*, were read; and the Counsel were heard.

And it being objected that the said Petition of the Burgeses of the Borough of *Newburgh*, was signed by some Persons who had not signed the former Petitions, presented in this Parliament, and that the Names of some of the Petitioners were not written or Marks made by the Persons themselves, the Counsel were directed to withdraw.

Q 3

And

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And the Resolution of the House the 14th of *November*, 1689 (that all Petitions presented to the House ought to be signed by the Petitioners, with their own Hands, by their Names or Marks) was read; and

The Journal of the 6th of *April* 1714 (in the Case of the Petition, touching the Election for the Borough of *Wigan*, in the County of *Lancaster*) was read.

Ordered, That the Counsel be called in, and be directed by Mr. *Speaker*, to proceed only upon the Matter of the Petition of the major Part of the Burgesses of the Borough of *Beaumaris*.

PETITION VEXATIOUS.

1. *Veneris*, 21 die *Decembris*, 1695.

Resolved, That Sir *George Meggot* having prefer'd to this House a groundless and vexatious Petition, relating to the Election of Members to serve in this present Parliament for the said Borough (*Southwark* in *Surrey*) and having scandalized this House, in declaring, *That without being duly chosen, he had Friends enow in the House, to bring him into this House*, be taken into the Custody of the Serjeant at Arms attending this House.

2. *Resolved*, That Sir *George Meggot* do make Satisfaction to the Members of this House

House he petitioned against, for the Costs and Expences they have been put unto by reason of such Petitions.

3. *Mercurii, 4 die Martii, 1695.*

Resolved, That Sir Richard Gipps having preferred to the House a frivolous, vexatious, and groundless Petition, relating to the Election of Members to serve for the said Borough of Totness, be taken into Custody of the Serjeant at Arms.

4. *Resolved*, That Sir Richard Gipps do make Satisfaction to the Members of this House he petition'd against, for the Costs and Expences they have been put unto, by reason of such Petition.

5. *Sabbati, 7 die Februarii, 1701.*

Resolved, That Thomas Colepeper Esq; who was one of the Instruments in promoting and presenting the scandalous, insolent, and seditious Petition, commonly called, *the Kentish Petition*, to the last House of Commons, hath been guilty of corrupt, scandalous, and indirect Practices, in endeavouring to procure himself to be elected a Burgess to serve in this present Parliament for the Borough of Maidstone.

6. *There is another Resolution*, That he is guilty of aspersing the last House of Commons.

7. *Ordered*,

7. *Ordered*, That the said *Thomas Colepeper Esq;* be, for his said Offence, committed to *Newgate*.

8. *Sabbati, 21 die Novembris, 1702.*

Resolved, That the Petition of several of the free Burgeſſes of the Corporation of *Colcheſter*, againſt Sir *Thomas Cook*, a Member of this Houſe, is falſe and ſcandalous.

9. *And ſeven Perſons by Name (who were the Petitioners) were ſeverally ordered into Cuſtody.*

PLYMOUTH.

Veneris, 14 die Decembris, 1739.

1. *Ordered*, That the Commiſſioner and Clerk of the Cheque of his Maſteſty's Dock-Yard, near the Borough of *Plymouth*, do permit *John Rogers Esq;* (againſt whom a Petition is depending before this Houſe, touching the laſt Election of a Member to ſerve in Parliament for the ſaid Borough) or his Agents, to inſpect and take Minutes of the Muſter-Rolls and Books, wherein are contained the Time of Entry, and Diſcharge of all Ship-Wrights, Labourers, and other Artificers belonging to the ſaid Dock.

2. *Ordered*, That the Agent-Victualler, and Clerk of the Cheque of his Maſteſty's
3
Victuals

Victualling Office at *Plymouth*, do permit *John Rogers* Esq; (against whom, &c.—) or his Agents, to inspect and take Minutes of the Muster-Rolls and Books, wherein are contained the Time of the Entry and Discharge of all Persons employed in the said Service.

3. *On the Hearing, Martis, 15 die Januarii, 1739.*

The standing Order made 16th *January* 1735, for restraining Counsel from offering Evidence touching the Legality of Votes—contrary to the last Determination of the House of Commons, was read.

4. And the last Determination of the House concerning the Right of electing Burgesses to serve in Parliament for the said Borough, made the 9th Day of *June*, 1660, which was then resolved to be in the Mayor and Commonalty of the said Borough, was also read.

5. Then the Counsel for the Petitioner were heard, and insisted, that the Word *Commonalty*, in the said last Determination, extended only to the Freemen of the said Borough, exclusive of the Freeholders thereof.

Which being denied by the Counsel for the sitting Member, who insisted, that the said Word *Commonalty* includes the Freeholders of the said Borough: Many

Many Pieces of Evidence were given on each Side (which are stated in the Votes of this Day, and on the Day next hereafter mentioned) consisting chiefly of Charters, Indentures of Return, a Parliament-Roll, and Witnesses to prove the Usage.

And

6. *Jovis, 17 die Januarii, 1739.*

It was Resolved, That in the last Determination of this House, of the Right of Election of Members to serve in Parliament for the Borough of *Plymouth*, in the County of *Devon*, made the 9th of *June*, in the Year 1660, which is as followeth, "That the Mayor and Commonalty of *Plymouth* have Right to elect Members to serve in Parliament for that Borough:" It appears to this House, That the Word *Commonalty* therein mentioned, extended to the Freemen only of the said Borough.

7. — The sitting Member acquainted the House, That the Word *Commonalty*, mentioned in the last Determination of this House, of the Right of Election of Members to serve in Parliament for the Borough of *Plymouth*, being declared by this House to extend to the Freemen only of the said Borough, he would not give the House any further Trouble, and then he withdrew.

8. And the Question being put, That
John

John Rogers Esq; is duly elected a Burgess to serve in this present Parliament for the Borough of *Plymouth*, in the County of *Devon*;

It passed in the Negative.

9. *Resolved*, That *Charles Vanbrugh* Esq; is duly elected, &c.

PLYMPTON.

1. *Lunæ, 14 die Aprilis, 1690.*

Resolved, That the Charter granted by the late King *James*, to the Borough of *Plympton*, (in *Com. Devon*) is illegal and destructive to the Constitution of the Government.

2. *Jovis, 28 die Januarii, 1702.*

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Plympton*, in the County of *Devon*, is in the Mayor, Bailiff, and Freemen of the said Borough, and in the Sons of Freemen, who have a Right to demand their Freedom, and have been refused the same.

3. *Resolved*, That the Proceeding of the Mayor and Corporation of the Borough of *Plympton*, in the County of *Devon*, in making Freemen after the Death of his late Majesty, to vote at the last Election, was illegal, and contrary to the Rights of the said

said Corporation, and that those Freemen then pretended to be made have not thereby obtained any Right to vote on that Account in any future Elections.

POLL.

1. By Stat. 7 and 8 W. 3. ch. 25. The Sheriff is to hold his County-Court for the Election, at the most publick and usual Place of Election in the County, and where the same has most usually been for forty Years last past; and shall there proceed to Election at the next County-Court, unless it falls out to be held within six Days after the Receipt of the Writ, or on the same Day, and then shall adjourn the same Court to some convenient Day, giving ten Days Notice of the Time and Place of Election. And if the Election be not determined on the View, with the Consent of the Freeholders present, but that a Poll is required, then the Sheriff, or in his Absence the Under-Sheriff, with such others as shall be deputed by him, shall forthwith there proceed to take the Poll in some open or publick Place or Places; And the Sheriff, or in his Absence the Under-Sheriff, or such as he shall depute, shall appoint such Number of Clerks as to him shall seem meet, for taking thereof; which Clerks shall all take the Poll in Presence
of

of the said Sheriff, or Under-Sheriff, or such as he shall depute; and before they begin, every such Clerk shall, by the Sheriff or Under-Sheriff, be sworn truly and indifferently to take the same Poll, and to set down the Names of each Freeholder, and the Place of his Freehold, and for whom he shall Poll; and to Poll no Freeholder who is not sworn, if so required by the Candidates, or any of them.

2. And the Sheriff or Under-Sheriff shall appoint for each Candidate, one Person nominated by each Candidate, to be Inspectors of every Clerk so appointed, *ibid.*

3. If any Person taking the said Oath, thereby commits wilful Perjury, or suborn another to commit such Perjury, they incur the Penalties of Stat. 5 *Eliz. ibid.*

4. The Sheriff, or in his Absence the Under-Sheriff, or such as he shall depute, shall at the Place of Election proceed to Polling all the Freeholders then and there present, and shall not adjourn to any other Town and Place, without Consent of the Candidates, nor shall by any unnecessary Adjournment in the same Place, protract or delay that Election; but shall duly and orderly proceed to take the Poll from Day to Day, and Time to Time, without any further or other Adjournment, without the Consent of the Candidates, until all the Freeholders

then and there present shall be Polled,
ibid.

5. The Officer to whom the Execution of such Writ or Precept belongs, shall forthwith deliver to such Person as desires the same, a Copy of the Poll, paying only a reasonable Charge for writing the same, and every such Officer for every wilful Offence against this Act, forfeits to the Party grieved five hundred Pounds, and full Costs,
ibid.

6. The County-Court of *Yorkshire* which used to be on a *Monday*, shall hereafter be held on *Wednesday*, and so shall other County-Courts which used to be held on *Monday*,
ibid.

7. The Sheriff of *Hampshire*, or his Deputy, at the Request of one Candidate, may adjourn the Poll for *Winchester*, after every Freeholder then and there present is polled, to *Newport* in the *Isle of Wight*,
ibid.

8. By *Stat. 10. Ann. ch. 23.* On Elections for Shires, every Freeholder, if required by a Candidate or other Voter, shall be sworn to his Freehold by the Sheriff, who in taking the Poll shall enter the Place of the Voter's Freehold, and of his Abode, and *jurat* against the Name of every one who takes the Oath hereby required; and the Returning Officer shall, in twenty Days
after

after the Election, deliver over the Poll-Books to the Clerk of the Peace, upon Oath to be administer'd by two next Justices, *Qu. unus, &c.*

Veneris, 15 die Februarii, 1677.

9. Whereas on the 30th of *April* last, an Election was intended to be made of a Knight of the Shire for the County of *Dorset*, upon a Writ legally issued for that purpose:

Resolved, That such Elections and the Returns thereupon are void.

First, Because the Sheriff did not execute or obey his Writ.

10. *Secondly*, Because he left divers Freeholders unpolled, and made no due Proclamation before he closed the Poll.

11. *Thirdly*, Because he did not number those Voices he polled, nor declared who he judged to be duly elected.

12. *Lastly*, Because he returned two Persons, when he should have returned but one; and signified such his Return to be the Agreement of the Parties, rather than his Judgment according to Right and Law.

A new Writ ordered.

13. Veneris, 28 die Novembris, 1690.

Resolved, That the Adjournment of the
R 2. Poll.

Poll taken at the Election of the Knight of the Shire for the County of *Cardigan*, by the Sheriff of the said County, from *Aberistwith* to *Cardigan*, is a legal and good Adjournment.

Note, *There is an Act, 1 Mar. which appoints the Sheriff's Tourn to be kept at Cardigan and Aberistwith alternis vicibus;*

But see Stat. 7 & 8 W. 3. c. 25.

14. *Veneris, 8 die Februarii, 1705.*

Resolved, That any Person having a Right to vote for two Members to serve in Parliament, who hath given a single Voice, hath not a Right to come afterwards and give a second Vote during the said Election.

15. *Veneris, 1 die Decembris, 1710.*

The Return for the Borough of *Tiverton* being read, it appear'd that *T. B. R. M.* and *J. W. Esqs;* had all an equal Number of Voices.

Resolved, That the late Election of Burgeses to serve in this present Parliament, for the Borough of *Tiverton* is a void Election.

Ordered, a new Writ to issue, &c.

16. *Sabbati, 3 die Martii, 1710.*

At the hearing the Election for the Shire of

of *Wigton*, the Petitioner's Counsel insisting, that the sitting Member had not a Right to Vote, and the sitting Member's Counsel insisting, that they ought not now to be permitted to make the said Objection, the Petitioner (who was *Præses*) having signed the Freeholder's Roll:

Resolved, That the Petitioner having signed the Freeholder's Roll, in which the sitting Member was inserted, with a Protestation, was at Liberty at any Time to renew his Objection against the sitting Member's Vote, before the Election was proceeded on.

17. *Martis*, 6 die *Martii*, 1710.

At hearing the Election for the Borough of *Cockermouth*, in the County of *Cumberland*:

The Petitioner's Counsel insisting that they ought to proceed to qualify and disqualify only such Voters as were queried upon the Scrutiny; and the sitting Member's Counsel acquainting the House, that there were Lists exchange'd between the Parties the 24th of *January* last, of what Votes each Party would insist upon to disqualify: The *Speaker* (by direction of the House) acquainted them, That they should proceed upon the Votes queried at the Elec-

tion, upon the Lists mutually delivered the 24th of *January* last.

Jovis, 7 die Februarii, 1711.

Resolved, That it is the Opinion of this Committee, that at the late Election of a Member to serve in this present Parliament for the Borough of *Southwark*, in the County of *Surrey*, the Poll being closed and cast up, and the Majority of Votes declared by Proclamation for Sir *George Matthews*, *Henry Martin* Esq; the Bailiff, could not proceed to a Scrutiny, not having adjourned the Court to any Time or Place.

18. *Sabbati, 28 die Januarii, 1708.*

Resolved, That (according to the Terms of the Act of Parliament, passed in the third Parliament of King *Charles* the II^d. intituled, *An Act concerning the Election of Commissioners for the Shires*) there ought to have been twelve Days exclusive between the Day of Election of a Commissioner to serve in this present Parliament, for the Shire of *Ross*, and the Day appointed by the Writ of Summons for the meeting of the Parliament.

19. *Martis, 13 die Februarii, 1710.*

The Question being put, that *Homer Maxwell*,

Maxwell, J. G. R. G. L. G. G. of G. and J. B. who were enfeft of Estate, redeemable upon the paying a Rose-Noble, had a Right to vote in the Election of Commissioner for the Shire of Dumfries:

It passed in the Negative.

20. *Jovis, 22 die Februarii, 1710.*

The Question being put, that Abraham Creyton, (being the Husband of an apparent Heiress, who was not enfeft) had a Right to vote in the Election of a Commissioner for the Shire of Dumfries:

It passed in the Negative.

PORTSMOUTH.

1. *Veneris, 24 die Januarii, 1695.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of Portsmouth (in Com. Southampton) is in the Mayor, Aldermen, and Burgesses, of the said Borough only.

2. *Sabbati, 3 die Februarii, 1710.*

Resolved, That Joseph Whitborn Esq; who was elected Mayor of the Borough of Portsmouth, on the 10th Day of December 1709, and had not duly qualified himself for that Office according to Law; by taking the Sacrament of the Lord's Supper according to the Rites of the Church of England,

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England, within one Year next before his Election, was not legal Mayor of the said Borough.

3. *Resolved*, That the Aldermen elected during the said pretended Mayoralty of the said Mr. *Whitborn*, are not legal Aldermen; and the Burgeſſes elected during his pretended Mayoralty, have not a Right to vote in Elections of Members to ſerve in Parliament for the ſaid Borough of *Portsmouth*.

PRIVILEGES and CONTEMPTS.

Luna, 14 die *Novembris*, 1692.

1. *Resolved*, *Nemine Contradicente*, That the Diſfranchiſing of *Chriſtopher Muſgrave* Eſq; a Member of this Houſe, by the Mayor, Aldermen, and Citizens of the City of *Carlisle*, is a Breach of the Privilege of this Houſe.

And the Perſons moſt concerned, were ordered into Cuſtody.

Veneris, 4 die *Decembris*, 1696.

2. *Resolved*, That Sir *George Meggot*, having proſecuted at Law *Thomas Maylin* and *John Ladd*, for what they teſtify'd at the Committee of Privileges and Elections, the laſt Seſſion, upon the hearing the Matter touching the Election for the Borough of *Southwark*, is guilty of a Breach of the Privileges of this Houſe.

3. Or-

3. *Ordered*, That Sir *George Meggot* be taken into Custody for the said Breach of Privilege.

Mercurii, 26. die Januarii, 1703.

4. *Mr. Freeman* (according to Order) reported from the Committee of the whole House to whom it was referred, to consider of the Reports of the Journals of the House of Lords, touching the Case of *Ashby* and *White*, and the Case of *Barnardiston* and *Seames*; the Resolutions which they had directed him to report to the House, which he read in his Place, and afterwards deliver'd in at the Table, where the same were read, and (with an Amendment to one of them) agreed unto by the House, and are as follow.

Resolved, That according to the known Laws and Usage of Parliament, it is the sole Right of the Commons of *England*, in Parliament assembled (except in Cases otherwise provided for by Act of Parliament) to examine and determine all Matters relating to the Right of Election of their own Members.

5. *Resolved*, That according to the known Law and Usage of Parliament, neither the Qualification of any Elector, nor the Right of any Person elected, is Cognizable or Determinable elsewhere than before the Commons

mons of *England* in Parliament assembled, except in such Cases as are specially provided for by Act of Parliament.

6. *Resolved*, That the Examining and Determining the Qualification, or Right of any Elector, or any Person elected to serve in Parliament, in any Court of Law, or elsewhere, than before the Commons of *England* in Parliament assembled, (except in such Cases as are specially provided for by Act of Parliament) will expose all Mayors, Bailiffs and other Officers, who are obliged to take the Poll and make the Return thereupon, to multiplicity of Actions, vexatious Suits and insupportable Expences, and will subject them to different and independent Jurisdictions and inconsistent Determinations in the same Case without Relief.

7. *Resolved*, That *Matthew Ashby* having in Contempt of the Jurisdiction of this House, commenced and prosecuted an Action at Common-Law against *William White*, and others, the Constables of *Aylesbury*, for not receiving his Vote at an Election of Burgesses to serve in Parliament, for the said Borough of *Aylesbury*, is guilty of a Breach of the Privilege of this House.

8. *Resolved*, That whoever shall presume to commence or prosecute any Action, Indictment, or Information, which shall bring the Right of the Electors or Persons elected to

to serve in Parliament to the Determination of any other Jurisdiction than that of the House of Commons (except in Cases specially provided for by Act of Parliament) such Person and Persons, and all Attorneys, Solicitors, Counsellors and Serjeants at Law, soliciting, prosecuting or pleading in any such Case, are guilty of a high Breach of the Privilege of this House.

9. *Veneris, 4 die Aprilis, 1707.*

Resolved, Nemine Contradicente, That when any Person ordered to be taken into the Custody of the Serjeant at Arms, shall either abscond from Justice, or having been in Custody shall refuse to pay the just Fees, That in either of those Cases the Order for Commitment shall be renewed the Beginning of the next Session of Parliament; and that this be declared to be a standing Order of the House.

10. *Lunæ, 4 die Aprilis, 1715.*

A Complaint being made to the House, that the Mayor of the Town of *Cambridge*, being served with an Order of the Committee of Privileges and Elections, for permitting Mr. *Shepheard* and Mr. *Jenyns*, or their Agents, to inspect the Records, Charters, and publick Books and Writings of the said Town: Mr. *Joseph Pyke* and Mr. *John York*

Tork were called in, and examined at the Bar, and the Order of the Committee was read.

Resolved, That *Mr. Charles Chambers*, Mayor of the Town of *Cambridge*, having refused to obey the Order of the Committee of Privileges and Elections for permitting *Samuel Shepheard*, Jun. and *John Jenyns*, Jun. Esq; or their Agents to inspect the Records, Charters, and publick Books and Writings of the said Town, be for the said Contempt taken into the Custody of the Serjeant at Arms attending this House.

II. *Luna, 4 die Aprilis, 1715.*

A Complaint being made to the House, that the Under-Sheriff of the County of *Cumberland* (who executed the Writ for electing Knights of the Shire for the said County) hath not made any Return thereof by the 17th of *March* last, being the Day appointed for such Return, by which means none of the Members chosen to serve for the said County, or the Boroughs therein, can be admitted to give their Attendance in this House.

Resolved, That *Thomas Crosby*, Under-Sheriff of the County of *Cumberland*, having neglected to return the Writ for electing the Members of the said County by the 17th Day of *March* last, being the Day appointed

appointed for the Return thereof, is guilty of a great Breach of the Privilege of this House.

12. *Ordered*, That the said *Thomas Crosby* be, for the said Breach of Privilege, taken into the Custody of the Serjeant at Arms attending this House.

13. *Sabbati, 20 die Martii, 1713.*

A Complaint being made to the House, that the Town-Clerk of the Borough of *Colchester*, having been served with an Order of the Committee of Privileges and Elections, for permitting *Nicholas Corfellis* Esq; and his Agents, to inspect the Free-School Book, and any publick Books, Charters, Papers, or Records, in order to the preparing for the hearing of the Matter touching the Election for the said Borough before the said Committee, he the said Town-Clerk had refused the same. Whereupon one *John Summers*, Servant to the said Mr. *Corfellis*, was called in and examined at the Bar in relation to the Matter of the said Complaint;

And then he withdrew.

Resolved, That *Thomas Glascock*, Town-Clerk of the Borough of *Colchester* in the County of *Essex*, having refused to obey the Order of the Committee of Privileges

and Elections, for permitting *Nicholas Corbellis Esq*, or his Agents, to inspect the publick Books and Records of the said Borough, be, for the said Contempt, taken into Custody of the Serjeant at Arms attending this House.

Martis, 24 die Maii, 1715.

14. *Resolved*, That *Joseph Calton*, Mayor of the Borough of *Hertford*, is guilty of acting in an illegal and arbitrary manner in the late Election of Burgesses to serve in Parliament for the Borough of *Hertford*, in Contempt of the Act to prevent false and double Returns of Members to serve in Parliament, and in Breach of the Privilege of this House.

15. *Ordered*, That the said *Joseph Calton* be, for the said Breach of Privilege, taken into the Custody of the Serjeant at Arms attending this House.

16. *Mercurii, 21 die Januarii, 1718.*

Resolved, That *John Benfield*, Mayor of the Borough of *Corse Castle*, (in *Com. Dorset*) is guilty of divers arbitrary and illegal Practices in the late Election and Return of a Member to serve in this present Parliament for the said Borough, and of a Contempt in not obeying the Order of the Committee for producing the Charters of the said Borough in his Custody. *Re-*

17. *Resolved, That William Dowdall, late Mayor of the Borough of Corfe Castle, is guilty of a Contempt in not obeying the Orders of the Committee, for producing the Charters of the said Borough in his Custody.*

18. *They were both ordered into Custody, &c. and so was David Toomer on the Saturday following, for arbitrary and illegal Practices, at the Election of a Burgess for Shafton, alias Shaftesbury, in Com. Dorset.*

QUAKERS.

Mercurii, 30 die Aprilis, 1690.

For the County of Hertford.

1. *Resolved, That Quakers having a Freehold; and refusing to take the Oath when tendred by the Sheriff, are incapable of giving their Votes for Knights of the Shire, for that Reason.*

2. *Martis, 25 die Maii, 1714.*

The House proceeded (according to Order) to the hearing the Merits of the Election for the Borough of *Southwark*, in the County of *Surrey*; and the Counsel were called in, and the Petition complaining of the said Election was read; and the Petitioners Counsel examined several Witnesses, touching the Affirmation which was administered to the People called Quakers, in-

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stead of the Oath of Abjuration; and several Sections in the Act of the 7th and 8th Years of King *William*, cap. 34. and in the Act of the 6th Year of Queen *Anne*, cap. 23. were read, and also the Form of the said Affirmation administer'd to them, was also read.

And the Counsel on both sides were heard; and then withdrew.

And a Motion being made, and the Question being put, That the Quakers who made their solemn Affirmation in the Form tendered to them instead of the Oath of Abjuration, by the Bailiff of the Borough of *Southwark*, upon the late Election of Members to serve in Parliament for the said Borough, had a Right to vote in the said Election:

It passed in the Negative.

This is altered by Stat. 1 G. 1. Sess. 1. ch. 7.

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See Capacity.

1. There have been for several Ages some Qualifications requir'd by Statutes in those who were to be Trustees for their Country in Parliament.

2. By Stat. 1 *H. 5.* cap. 1. Knights of Shires ought to be resident within the same Shire on the Day of the Date of the Writ of Summons.

But

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But this seems to be obsolete, and rendered the less necessary by the Stat. 9 2 Anne, which see below.

3. By the same Act 1 H. 5. Citizens and Burgesses were to be chosen Men; Citizens and Burgesses resident, dwelling and free in the same Cities and Boroughs.

This seems also to be obsolete.

4. By Stat. 8 H. 6. cap. 7. Such as have the greatest Number of them that may expend 40 s. by the Year, and above, shall be returned Knights of the Shire, &c.

This Qualification of 40 s. a Year is enforced by several Statutes; and is the Qualification, in point of Estate, of the Electors for Counties at this Day.

5. Stat. 10 H. 6. cap. 2. Requires these Electors to be People dwelling and resident in the same County.

Their Residency (I conceive) is not now a-days requisite.

6. Stat. 23 H. 6. c. 15. provides, That Knights of the Shires shall be notable Knights of the same Counties, or such notable Esquires or Gentlemen born, of the same Counties, as shall be able to be Knights. And no Man to be such Knight which stands in the Degree of a Yeoman or under.

But these Qualifications being too loose, uncertain, and insufficient, and some of them wholly useless, a new Statute was made, viz.

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7. Stat. 9 *Ann.* cap. 5. which enacts, That no Person shall be capable to Sit or Vote as a Member of the House of Commons for any County, City, &c. within that Part of *Great Britain* called *England*, &c. who shall not have an Estate Freehold or Copyhold for his own Life, or for some greater Estate, either in Law or Equity to his own Use, in Lands, Tenements, or Hereditaments, above what will satisfy and clear all Incumbrances within *England*, of the yearly Value of six hundred Pounds above Reprizes for a Knight of a Shire, and 300*l.* for a Citizen, Burghers, &c. or the Election and Return to be void. But this Act is not to extend to make the eldest Son or Heir apparent of any Peer or Lord of Parliament, or of any Person qualified by this Act, to serve as Knight of a Shire, incapable of being elected and returned, and sitting and voting as a Member, neither is it to extend to either of the Universities in *England*.

8. No Person shall be qualified by Virtue of a Mortgage, where the Equity of Redemption is in another, unless the Mortgagee has been in Possession seven Years before the Election, *ibid.*

9. Every Candidate shall upon Request to him to be made (at the Time of such Election, or before the Day to be prefix'd
in

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in the Writ, for the Meeting of the Parliament) by any other Candidate, or two or more Persons having Right to vote at such Election, take the following corporal Oath.

I A. B. do swear, that I truly, and bona fide, have such an Estate in Law or Equity to and for my own Use and Benefit, of or in Lands, Tenements, or Hereditaments (over and above what will satisfy and clear all Incumbrances that may affect the same) of the annual Value of 600 l. above Reprizes, as doth qualify me to be elected and returned, to serve as a Member for the County of according to the Tenor and true Meaning of the Act of Parliament in that Behalf; and that my said Lands, Tenements, or Hereditaments are lying or being within the Parish, Township, or Precinct of or in the several Parishes, Townships, or Precincts of in the County of or in the several Counties of (as the Case may be.) *ibid.*

10. The like Oath (*mutatis mutandis*), as to the Value of 300 l. per Annum, to be taken by Candidates for a City, Borough, &c. *ibid.*

11. The respective Oaths aforesaid shall be administred by the Officer who ought to take the Poll or make the Return, or by
2 any

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any two Justices of the Peace in *England, Wales, and Berwick upon Tweed*; and they are to certify the taking thereof into the *Chancery* or *King's-Bench* within three Months after the taking the same, under Penalty of 100*l.* with full Costs. If any Candidate wilfully refuse upon reasonable Request to take the said Oath, his Election and Return shall be void. *ibid.*

12. One Shilling Fee for administering the said Oath, two Shillings for making the Certificate, and two Shillings for filing it: Officer taking a greater Fee forfeits twenty Pounds, *ibid.*

12. *Jovis, 21 die Novembris, 1717.*

Resolved, That notwithstanding the Oath taken by any Candidate at or after any Election, his Qualification may be afterwards examined into.

14. *Resolved*, That the Person whose Qualification is expressly objected to in any Petition relating to this Election, shall, within fifteen Days after the Petition read, give to the Clerk of the House of Commons a Paper signed by himself, containing a Rental or Particular of the Lands, Tenements, and Hereditaments whereby he makes out his Qualification; of which any Person concerned may have a Copy.

15. *Resolved*, That of such Lands, Tenements,

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ments, and Hereditaments, whereof the Party hath not been in Possession for three Years before the Election, he shall also insert in the same Paper from what Person, and by what Conveyance or Act in Law he claims and derives the same; and also the Consideration (if any) paid, and the Names and Places of Abode of the Witnesses to such Conveyance and Payment.

16. *Resolved*, That if any sitting Member shall think fit to question the Qualification of a Petitioner, he shall, within fifteen Days after the Petition read, leave Notice thereof in Writing with the Clerk of the House of Commons; and the Petitioner shall in such Case, within fifteen Days after such Notice, leave with the said Clerk of the House the like Account in Writing of his Qualification, as is required from a sitting Member.

17. *Resolved*, That the four last Resolutions be declared to be standing Orders of the House.

18. *Martis, 27 die Februarii, 1727.*

The House being acquainted, that *Alexander Lustrell* and *Francis Whitworth Esqrs*; (sitting Members for the Borough of *Minehead*, in the County of *Somerset*) did on the seventh Day of *February* instant, (pursuant to the standing Order of the House of the
twenty-

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any two Justices of the Peace in *England, Wales, and Berwick upon Tweed*; and they are to certify the taking thereof into the *Chancery* or *King's-Bench* within three Months after the taking the same, under Penalty of 100*l.* with full Costs. If any Candidate wilfully refuse upon reasonable Request to take the said Oath, his Election and Return shall be void. *ibid.*

12. One Shilling Fee for administering the said Oath, two Shillings for making the Certificate, and two Shillings for filing it: Officer taking a greater Fee forfeits twenty Pounds, *ibid.*

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15. *Resolved*, That of such Lands, Tenements,

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ments, and Hereditaments, whereof the Party hath not been in Possession for three Years before the Election, he shall also insert in the same Paper from what Person, and by what Conveyance or Act in Law he claims and derives the same; and also the Consideration (if any) paid, and the Names and Places of Abode of the Witnesses to such Conveyance and Payment.

16. *Resolved*, That if any sitting Member shall think fit to question the Qualification of a Petitioner, he shall, within fifteen Days after the Petition read, leave Notice thereof in Writing with the Clerk of the House of Commons; and the Petitioner shall in such Case, within fifteen Days after such Notice, leave with the said Clerk of the House the like Account in Writing of his Qualification, as is required from a sitting Member.

17. *Resolved*, That the four last Resolutions be declared to be standing Orders of the House.

18. *Movtis, 27 die Februarii, 1727.*

The House being acquainted, that *Alexander Luttrell* and *Francis Whitworth Esqrs*, (sitting Members for the Borough of *Minehead*, in the County of *Somerset*) did on the seventh Day of *February* instant, (pursuant to the standing Order of the House of the
twenty-

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twenty-first Day of *November 1717*) leave with the Clerk of this House their Demand in Writing of the Qualification of *George Grove Esq;* one of the Petitioners, complaining of an undue Election and Return for the said Borough; and that the said *Mr. Grove* had not delivered in to the Clerk any Paper of his Qualification, pursuant to the said standing Order.

The Demand of the said Qualification, and also the said standing Order of the House were read.

And the Clerk of the House being called upon, acquainted the House, that he had not received any particular of *Mr. Grove's* Qualification.

Ordered, That the Committee of Privileges and Elections be discharged from proceeding upon so much of the Petition of *Sir William Codrington Bart.* and *George Grove Esq;* (complaining of an undue Election and Return for the Borough of *Minehead* in the County of *Somerset*) as relates to the said *George Grove Esq;* he having neglected to comply with the standing Order of this House, whereby he is required to deliver in his Qualification to the Clerk of this House within fifteen Days after demand thereof.

19. *Sabbati, 30 die Aprilis, 1715.*

Resolved, That *William Benson Esq;* one of

of the Petitioners, complaining of an undue Election for the Borough of *Shaftesbury*, in the County of *Dorset*, having, at the Demand of the sitting Members, delivered in a Particular of Lands, Tenements, and Hereditaments, in order to make out his Qualification to be elected for the said Borough, pursuant to the Order of the House of the 23d of *March* last; the Council for the sitting Members (if they have any Objection to the said *William Benson's* Qualification) be directed to make their Objections to the said Particular, deliver'd in pursuant to the said Order of the House, so far only as the same relates to Lands, Tenements, and Hereditaments in the Parish of *Bromley* in the County of *Middlesex*; being the only Qualification the said *William Benson* gave in upon Oath at the said Election, as appears by the Certificate of the Mayor of the said Borough.

Note, *The Qualification upon Oath was not so extensive as that delivered in to the Clerk of the House; but by the last Resolution it appears he was only to take Benefit by such Estate as was compriz'd both in the Oath and the Particular, and not by any Estate comprized in the Particular, but not given in upon Oath.*

20. Jovis,

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20. *Jovis, 7 die Maii, 1730.*

Resolved, That *Richard Lloyd Esq;* did not wilfully refuse to take an Oath of his Qualification, at the Election of a Burgess to serve in this present Parliament, for the Town of *Cardigan*, in the County of *Cardigan*, he not being thereunto legally required.

21. *Jovis, 7 die Februarii, 1734.*

Resolved, That on the Petition of any Elector or Electors for any County, City, or Place, sending Members to Parliament, complaining of an undue Election and Return, and alledging, That some other Person was duly elected, and ought to have been returned, the sitting Member so complained of may demand and examine into the Qualification of such Person so alledged to be duly elected, in the same Manner as if such Person had himself petitioned.

22. *Ordered*, That the said Resolution be declared to be a standing Order of the House.

23. *Veneris, 21 die Martii, 1734.*

The House being acquainted that *Thomas Brereton Esq;* one of the sitting Members for the Borough of *Liverpool* in the County-Palatine of *Lancaster*, did on the 18th Day
of

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of *February* last (pursuant to the standing Order of the House of the 6th Day of the same Month) leave with the Clerk of this House his Demand in Writing of the Qualification of *Foster Cunliffe* Esq; one of the Persons alledged to be duly elected for the said Borough, in the Petition of *John Cobham, George Dickins, Thomas Summers*, and others, whose Names are thereunto subscribed, Burgesses of the Borough of *Liverpool* in the County Palatine of *Lancaster*, on Behalf of themselves and divers other Burgesses of the said Borough, complaining of an undue Election and Return for the said Borough; and that the said Mr. *Cunliffe* had not delivered in to the Clerk any Paper of his Qualification, pursuant to the said standing Order of the House.

The Demand of the said Qualification, and also the said standing Order of the House were read.

And the Clerk of the House being called upon, acquainted the House, that he had not received any particular of the said Mr. *Cunliffe's* Qualification.

Ordered, That the Committee of Privileges and Elections be discharged from proceeding upon so much of the said Petition as relates to the said Mr. *Cunliffe*, he having neglected to comply with the standing Order of this House, whereby he is required

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red to deliver in his Qualification to the Clerk of this House within fifteen Days after Demand thereof.

24. *Luna*, 14 die *Januarii*, 1739.

On a Hearing for the County of Huntingdon.

The Counsel for the Petitioner insisted, that the sitting Member (Mr. *Clarke*) was not qualified to be elected, according to the Act made in the ninth Year of the Reign of Queen *Anne*, intituled, *An Act for securing the Freedom of Parliaments by the further qualifying the Members to sit in the House of Commons.*

Then the Counsel for the Petitioner, in support of one of their Objections, offered to prove (which the Counsel for the sitting Member admitted) that the Copyhold Lands and Tenements at *Hammersmith* in the Parish of *Fulham*, in the County of *Middlesex*, which the sitting Member, in the Rental or Particular by him delivered in to the Clerk of the House, (pursuant to the standing Order of this House made for that Purpose) claims in Fee, according to the Custom of the Manor of *Fulham*, under a Mortgage Surrender, and an Admission thereto, and a Release of the Equity of Redemption from the Mortgagor, were subject to a subsequent Mortgage made by the

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the said Mortgager previous to the Date of
the said Release of the Equity of Redemp-
tion.

25. Then the Counsel for the Petitioner
having objected to the Consideration given
for the Estate, which the sitting Member,
in the said Rental or Particular, claims for
his natural Life, by Deed of Feoffment
and Livery and Seizin thereon given by
John Clarke of *Huntingdon*, Gent. they of-
fered to prove (which the Counsel for the
sitting Member admitted) that the said
Estate was all the real Estate, except about
three Pounds *per Annum*, which the said
John Clarke the Grantor, was seized of at
the Time of the Date of the said Deed.

26. Then, the Counsel for the Petitioner
having objected to the Annuity of 200 *l.*
which the sitting Member, in the said Ren-
tal or Particular, claims for Life by Grant
from *Charles Bernard* Esq; they offered to
prove (which the Counsel for the sitting
Member admitted) that the Estate charged
with the said Annuity does not exceed the
yearly Value of 132 *l.*

27. Then the Counsel for the Petitioner
having objected, that the sitting Member,
in the Oath by him taken at the Time of his
Election, pursuant to the Direction of the
said Act of the ninth Year of the Reign of
Queen Anne, did not particularly enumerate

all the several Parishes, out of which the Fee-farm Rents, mentioned in the said Particular, are issuing.

The Instrument of the said Oath, subscribed by the sitting Member, was produced by the Sheriff, who took the same, and read.

And that Part of the said Rental or Particular which describes the Fee-farm Rents, was read.

And the First, Second, Third, Fourth, and Fifth Sections of the said Act, made in the ninth Year of Queen Anne were read.

And the Counsel for the sitting Member were heard.

And one of the Counsel for the Petitioner was heard by way of Reply.

And the Counsel on both sides were directed to withdraw.

Mr. Clarke was heard in his Place, and then he withdrew.

28. *Resolved*, That *Charles Clarke Esq.* is duly elected a Knight of the Shire to serve in this present Parliament, for the County of *Huntingdon*.

QUEENBOROUGH.

1. *Jovis, 17 die Aprilis, 1729.*

Resolved, That the Right of admitting Burgesses

Burgesses of the Borough of *Queenborough*, in the County of *Kent*, is in the Mayor, Jurats, and Bailiffs of the said Borough only.

NEW-RADNOR.

1. *Mercurii*, 12 die *Novembris*, 1690.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *New-Radnor*, is in the Burgesses of *Radnor*, *Ryader*, *Knighton*, *Knucklas*, and *Kevenlice* only.

READING.

1. *Jovis*, 2 die *Decembris*, 1708.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Reading*, in the County of *Berks*, is in the Freemen and Inhabitants; such Freemen not receiving Alms, and such Inhabitants paying Scot and Lot.

Sabbati, 4 die *Decembris*, 1708.

2. *Resolved*, That such Persons as have, within two Years last, received *Kendrick's* Charity, or any other annual Charity, distributed in the Borough of *Reading*, have not a Right to vote in Elections of Burgesses to serve in Parliament for the said Borough.

3. *Mercurii, 30 die Maii, 1716.*

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Reading* in the County of *Berks*, is in the Inhabitants only, paying Scot and Lot.

On a Hearing for READING.

4. *Lunæ, 19 die Januarii, 1740.*

The last Determination of the House, concerning the Right of electing Burgesses to serve in Parliament for the said Borough, made the 30th Day of *May* 1716, which was then resolved to be in the Inhabitants only, paying Scot and Lot, was read.

5. And the standing Order of the House, made the 16th Day of *January* 1735, for restraining the Counsel, &c. from offering Evidence, &c. contrary to the last Determination in the House of Commons, was also read.

On a farther Hearing for READING.

6. *Veneris, 23 die Januarii, 1740.*

The Counsel for the Petitioner proposed to disqualify several Persons who voted for the sitting Member at the said Election, as being Certificate-Men;

And in order to prove that *Michael Hartwell*, one of the said Persons, was a Certificate-Man,

Thomas

Thomas House, who acts for his Brother, as one of the Overseers of the Parish of *St. Laurence*, in the Borough of *Reading*, being examined as a Witness, produced a Paper which he called a Certificate, and which, he said, he found in the Chest belonging to the said Parish, where the publick Writings of the said Parish are usually kept; the said Paper being dated the 29th Day of *March* 1728, and purporting to be a Certificate of the Parish-Officers of *Woodley*, in the County of *Berks*, and signed by two Persons as Justices of the Peace, allowing the said Certificate.

And one of the Counsel for the sitting Member having objected to the Admission of that Paper in Evidence, the Hand-writing of the said Justices not being proved,

The Counsel on both sides were heard, and directed to withdraw.

The House was moved, that the 8th Section of an Act made in the third Year of the Reign of his present Majesty, *cap.* 29. touching the Proof of Certificates given by the Officers of any Parish, or Place, might be read.

And the same was read accordingly.

Resolved, That a Paper dated the 29th Day of *March* 1728, purporting to be a Certificate from the Parish of *Woodley*, in the County of *Berks*, to the Parish of *St. Laurence*,

Laurence, in the Borough of *Reading*, signed by two Persons as Justices of the Peace, allowing the said Certificate, and now produced by *Thomas House*, who acts for his Brother as Overseer of the Poor of the said Parish of *St. Laurence*, and by him taken out of the Chest belonging to the said Parish of *St. Laurence*, where the publick Writings of the said Parish are usually kept, be admitted to be brought up, and read in Evidence, although the Hand-writing of the said Persons, who have so signed the said Certificate, as Justices of the Peace, be not proved.

On a farther Hearing for READING.

7. *Lunæ*, 26 die *Januarii*, 1740.

The Counsel for the Petitioner having proposed to disqualify several Persons who voted for the sitting Member, as having received Alms from a Charity, called *Kendrick's Charity* :

The Resolution of the House of the fourth Day of *December*, in the seventh Year of the Reign of *Queen Anne*, made upon Consideration of the Merits of an Election for the said Borough, was read, whereby it was resolved, That such Persons as had, within two Years last, received *Kendrick's Charity*, or any other annual
Charity,

Charity, distributed in the said Borough, had not a Right to vote in Elections of Burgesses to serve in Parliament for the said Borough.

Then the Counsel for the Petitioner examined several Witnesses, and produced Evidence, in order to disqualify such Voters for the sitting Member, as had received a Proportion of that Charity, within two Years before the last Election for the said Borough.

8. Then they examined several Witnesses, and produced Evidence, in order to establish the Votes of several Persons who were rated, and tender'd their Votes for the Petitioner, but were rejected by the Mayor; and also of several other Persons, who were proposed to the Overseers of the Poor, to be put upon the Rates, as fit to be rated, but were rejected by them, and who tender'd their Votes for the Petitioner, and were rejected by the Mayor.

On a farther Hearing for READING.

9. *Martis, 27 die Januarii, 1740.*

The Counsel for the Petitioner examined several Witnesses, in order to prove what Number of Persons were continually added to the Rates, made in the several Parishes within the said Borough, for several Years before

before the said Election, and also to shew who have been Mayors of the said Borough for the Years 1738, 1739, 1740, and who have been Overseers of the Poor in the several Parishes within the said Borough, for the Years 1739 and 1740, and for which of the Candidates such Mayors and Overseers severally voted at the last Election.

Then they produced an Order, made at the Quarter-Session of the Peace, held for the said Borough, *October 11, 1734*, in order to shew, that *Christopher Littleworth*, who was appointed, by the Mayor, Overseer of the Poor for the Parish of *St. Giles*, within the said Borough, for the Year 1740, was at that Session, upon Appeal, discharged from Payment to the Rates, on account of his Poverty.

And the said Order being read,

They examined several Witnesses, as to the Behaviour of the Mayor at the last Election.

RETURN.

I. After the Sheriff, Mayor, or other returning Officer, has duly held the Election in Obedience to the Writ or Precept respectively, they ought duly to return the same, *viz.* the Mayor, his Precept with the Indenture annexed to the Sheriff; and the Sheriff, his Writ, with its Indenture, and

and all the Precepts with their Indentures annexed, to the Clerk of the Crown in *Chancery*. See Stat. 8 *H.* 6. ch. 7. and Stat. 23 *H.* 6. ch. 15.

2. The Return is particularly described by Stat. 7 *H.* 4. ch. 15. which enacts, That after they (*viz. Knights of Shires*) be chosen, the Names of the Persons so chosen (be they present or absent) shall be written in an Indenture under the Seals of all them that did choose them, and tacked to the Writ, which Indenture so sealed and tacked shall be holden for the Sheriff's Return.

3. The Stat. 23 *H.* 6. ch. 15. gives an Action against the Sheriff, his Executors and Administrators, for 100 *l.* and Costs for a false Return, and 40 *l.* to the King; and an Action for 40 *l.* and Costs against a Mayor, &c. his Executors and Administrators, for the like Offence; the Actions to commence in three Months, and proceed effectually.

4. By Stat. 7 and 8 *W.* 3. ch. 7. continued by Stat. 12 and 13 *W.* 3. ch. 5. and made perpetual by 12 *Ann.* Stat. 1. ch. 15. Returns contrary to the last Determination of the House of Commons, are to be deemed false, and the Plaintiff shall recover double Damages and full Costs, and the like for double Returns, and all Contracts to procure any Returns are void.
Whoever

Whoever makes such Contract, 300 *l.* and Costs.

5. Information on this Statute to be within two Years, *ibid.*

6. See Stat. 2 G. 2. ch. 24. *That the last Determination shall be final to all Intents and Purposes whatsoever.*

7. By Stat. 10 and 11 W. 3. ch. 7. Sheriffs, &c. shall return the Writs with all convenient Expedition, not exceeding fourteen Days after the Election made, paying to the Clerk of the Crown, four Shillings for every Knight, and two Shillings for every Citizen, &c. which shall be allowed in his Account.

8. Sheriffs, &c. not making Returns according to this Act, forfeit 500 *l.*

9. *Sabbati, 12 die Aprilis, 1690.*

Resolved, That after the Return made into the *Crown-Office* of Members to serve in Parliament, the same shall not be altered by the Sheriff, or Clerk of the Crown, or any other, but by this House.

10. *Martis, 24 die Februarii, 1701.*

Resolved, That Mr. Abraham Owen, one of the Sheriffs of the City of Coventry, is guilty of a false and double Return, and of divers indirect Practices in the late Election for the City of Coventry.

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The like Resolution passed against Mr. John Collins, the other Sberiff of Coventry; and they both were ordered into Custody; as was also their Under-Sberiff, &c.

Sabbati, 28 die Martii, 1702.

II. The Serjeant at Arms being called upon to give the House an Account of what he had done in relation to the apprehending of the Persons at *Coventry*, ordered to be taken into Custody, he acquainted the House, that he having sent his Messenger with a Warrant to *Coventry*, he was informed that some Person had gone Post before his Messenger, and given them Notice (though he got thither by the next Day at Noon) upon which they fled and absconded; and that his Messenger having taken one *Edward Bosworth* (of the City of *Coventry*) to his Assistance, the said *Bosworth* was threatned for what he did, by Mr. *Edward Owen*, Alderman of the said City; and that the said *Bosworth* attended, to give the House an account thereof.

And the said *Bosworth* was called in, and examined.

Resolved, That Mr. *Edward Owen* (Alderman of *Coventry*) is guilty of a Breach of the Privilege of this House, and Contempt against the same, by using threatening Language against the Person that assisted the

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Serjeant

Serjeant in Execution of the Orders of this House.

12. *Ordered*, That the said Mr. *Edward Owen* be, for his said Crime, taken into Custody.

The Serjeant being called upon to give the House an Account of what he had done in Execution of the Order for the apprehending of *Thomas Colepeper* Esq; he acquainted the House, that diligent Search had been made after him, but that he was fled or absconded.

13. *Resolved*, That *Thomas Colepeper* Esq; having been guilty of many scandalous and indirect Practices, and in Contempt of the Justice of this House, hath absconded, that an humble Address be presented to her Majesty, that she will be pleased to issue forth her Royal Proclamation for apprehending the said Mr. *Colepeper*.

14. *Resolved*, That Mr. *Abraham Owen*, one of the Sheriffs of the City of *Coventry*, having been guilty of a false and double Return for the City of *Coventry*, and divers indirect Practices, and in Contempt of the Justice of this House, having absconded, that an humble Address be presented to her Majesty, that she will be pleased to issue forth her Royal Proclamation for apprehending the said Mr. *Owen*.

15. *The like Resolutions were passed touching*

ing the other Sheriff of Coventry, and the Under-Sheriff, severally.

Ordered, That the said Addressees be presented to her Majesty by such Members of this House as are of her Majesty's most honourable Privy-Council.

16. *Veneris, 6 die Novembris, 1702.*

Mr. *Burnell*, the High Sheriff of the County of *Nottingham*, and Mr. *Simon Jackson*, his Under-Sheriff, attending, (according to Order) the High-Sheriff was called in and examined, touching the not making a Return of the Writ for the Electing the Members to serve in this present Parliament for the said County; and he acquainted the House, that he did not meddle with the Execution or Return of the said Writ, nor ever had it in his possession, but left it wholly to his Under-Sheriff; and then he withdrew.

Afterwards the Under-Sheriff was called in and examined; and then he withdrew.

Ordered, That Mr. *Burnell*, the High-Sheriff of the County of *Nottingham*, be discharged out of Custody.

17. *Ordered,* That Mr. *Simon Jackson*, Under-Sheriff of the County of *Nottingham*, for keeping back the Return of the Writ for chusing of the Members of the said County, be taken into Custody.

18. *Martis, 10 die Novembris, 1702.*

Mr. *Edward Holland*, the High-Sheriff of the County of *Merioneth* was (according to Order) brought to the Bar, and examined touching his not making the Return of the Writ for the Electing of a Knight for the said County. And he acquainted the House, that it was a Surprise to him to find it was not returned; he having executed the Writ, and made the Return, and delivered it to his Under-Sheriff to bring up, who brought the same up with him.

And then he withdrew.

And Mr. *Robert Nanny*, the Under-Sheriff, attending, he was called in, and examined; who acquainted the House, that there being but one Member to be returned, he being a young Man, kept the Writ and Return by him, designing to send it up by the Member; but that he did not come up, in regard his Lady was ill.

And then he withdrew.

Ordered, That the said Mr. *Holland* be discharged out of the Custody of the Sergeant at Arms.

19. Then a Motion being made, and the Question being put, that Mr. *Robert Nanny*, the Under-Sheriff of the County of *Merioneth*, for neglecting to return the Writ,

Writ, for electing the Member for the said County, be taken into Custody:

It passed in the Negative.

20. *Veneris*, 18. *die Januarii*, 1722.

Hugh Baillie, and several others of Scotland, who, on the 23d of October were ordered to attend for acting as Returning-Officers, &c. were now ordered into Custody; as was also the Sheriff-Depute for the Shire of Fife, for accepting and returning an Indenture of Return not made by the proper Officer of the District of Burghs.

RICHMOND.

1. *Sabbati*, 9 *die Martii*, 1727.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Richmond*, in the County of *York*, is in such Persons only as are Owners of Ancient Burgages in the said Borough, having a Right of Pasture in a Common Field called *Wbycliffe-Pasture*.

RIOTS:

1. *Martis*, 10 *die Novembris*, 1702.

Resolved, That there was a great Tumult and Riot at the Election of Burgesses to serve in Parliament for the Borough of *Southwark* in the County of *Surrey*.

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2. *Resolved*,

2. *Resolved*, That the said Tumult and Riot was committed by the Servants and Agents of *Charles Cox* and *John Cholmley Esqs*;

3. *The next Resolution is as to the Right of Electing.*

4. *Resolved*, That *Charles Cox Esq*; is not duly elected a Burgess to serve in Parliament for the said Borough of *Southwark*.

5. *Resolved*, That *John Cholmley Esq*; is not duly elected a Burgess to serve in Parliament for the said Borough of *Southwark*.

6. *Resolved*, That the late Election of Burgesses to serve in Parliament for the said Borough of *Southwark* is a void Election.

7. *Ordered*, That *Mr. Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ, for the electing two Burgesses to serve in this present Parliament for the said Borough of *Southwark*, in the Room of the said *Charles Cox Esq*; and *John Cholmley Esq*; whose Elections are declared to be void.

8. *Mercurii, 5 die Februarii, 1706.*

8. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Coventry*, is a void Election.

9. *Resolved*, That it appears to this House,
2 that

that there hath been a notorious Riot and Tumult, and other illegal Practices at the Election of Citizens to serve in this present Parliament for the City of *Coventry*, in Contempt of the civil Authority, and in Violation of the Freedom of Elections.

Martis, 6 die Novembris, 1722.

10. *Resolved*, That it appears to this House, that there were notorious and outrageous Riots and Tumults at the late Election of Citizens to serve in Parliament for the City of *Westminster*, in Defiance of the Laws of this Realm, and in Violation of the Freedom of Elections.

11. Then the Question being put, that *Archibald Hutchefon Esq;* is duly elected a Citizen to serve in this present Parliament for the City of *Westminster*;

It passed in the Negative.

12. The Question being put, that *John Cotton Esq;* is duly elected a Citizen to serve in this present Parliament for the City of *Westminster*;

It passed in the Negative.

13. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Westminster*, is a void Election.

14. *Martis, 20 die Novembris, 1722.*

Resolved, That it appears to this House,
that

that there were notorious and outrageous Riots, Tumults, and Seditions, at the late Election of Citizens to serve in Parliament for the City of *Coventry*, in Defiance of the Civil Authority, and in Violation of the Freedom of Elections, caused by the Agents and Friends of the Petitioners, who were the Authors, Contrivers, and Promoters of the said Riots, Tumults, and Seditions.

15. The Question being put, that Sir *Adolphus Oughton* Knt. and Bart. is duly elected a Citizen to serve in this present Parliament for the City;

It passed in the Negative.

16. The Question being put, that *John Neale* Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Coventry*;

It passed in the Negative.

17. *Resolved*, That the late Election of Citizens to serve in Parliament for the City of *Coventry*, is a void Election.

18. *Resolved*, That it appears to this House that *Charles Buggs* was one of the principal Contrivers and Promoters of the Riots, Tumults, and Seditions at the late Election of Citizens to serve in Parliament for the City of *Coventry*.

19. *And Charles Buggs was ordered into Custody.*

20. *The*

20. *The like Votes and Orders severally upon George Newcombe, William Wells, Sir Thomas Gery Knight, Mr. Thomas Kimberley, Mr. Thomas Wright, Mr. George Aldridge, and Benjamin Holden.*

21. *On a Hearing for COVENTRY.*

Martis, 22 die Martii, 1736.

The Counsel for the Petitioner produced Evidence touching a Riot at the Time of the Election, which occasioned a Discontinuance of the Poll.

And the Counsel for the sitting Member was heard, and having denied that the Magistrates of the said City, or the sitting Member occasioned the said Riot, acquainted the House, that he was not instructed to oppose the Evidence produced by the Counsel for the Petitioner.

Mr. Neale was heard in his Place.

Resolved, That it appears to this House, that there was a great Riot and Tumult at the late Election of a Citizen to serve in this present Parliament for the City of Coventry, in Violation of the Freedom of Elections.

22. — The Question being put that *John Neale Esq;* is duly elected a Citizen to serve in this present Parliament for the City of Coventry;

It passed in the Negative.

23. *Re-*

23. *Resolved*, That the late Election of a Citizen to serve in this present Parliament for the City of *Coventry*, is a void Election.

R Y E.

Sabbati, 29 die Decembris, 1702.

1. *Resolved*, That the Right of Election of Barons to serve in Parliament for the Port of *Rye*, is only in the Mayor, Jurats, and in the Freemen inhabiting in the said Port, and paying Scot and Lot.

Sabbati, 17 die Februarii, 1710.

2. *Resolved*, That *Thomas Hills, W. W. T. B.* and *J. Y.* having been proposed to be made Free, and rejected at a Court of Assembly, and afterwards made Free in the same Mayoralty, are not legal Freemen of the Port of *Rye*.

3. *Resolved*, That it is not necessary the Freemen of the Port of *Rye*, should qualify themselves according to the Corporation-Act, before they be allowed to Vote in the Assembly-Court of the said Port.

S A N D W I C H.

1. *Veneris, 31 die Octobris, 1690.*

Resolved by the Committee, That the Freemen of the Port of *Sandwich*, inhabiting within the said Port (although they receive Alms)

Alms) have a Right to vote in electing Barons to serve in Parliament.

This Resolution being read a second Time, and the Question being put, that the House do agree with the Committee in the said Resolution ;

It passed in the Negative.

SCARBOROUGH.

Mercurii, 21. die Aprilis, 1736.

1. *Resolved, (by the Committee)* That the Right of Election of Burgesses to serve in Parliament for the Borough of *Scarborough*, in the County of *York*, is in the Common-House, or Common-Council of the said Borough, consisting of two Bailiffs, two Coroners, four Chamberlains, and thirty-six Burgesses only.

Agreed to by the House.

SCOTLAND.

1. *By the Treaty of Union which is part of our Statute-Law, viz. Stat. 5 Ann. ch.*

8. *Scotland sends Forty-five Representatives to the House of Commons of Great-Britain.*

2. Of these, thirty are chosen by the Shires, and fifteen by the Royal Burghs, viz.

3. One for every Shire and Stewartry, excepting *Bute* and *Cathness*, which chuse one by turns ; *Nairn* and *Cromarty*, which
also

also chuse by turns; and *Glackmannan*, and *Ross*, which also chuse by turns;

4. On the Death or legal Incapacity of any Member from a Shire, &c. the Shire, &c. which chuse him shall chuse another in his Place.

5. The Town of *Edinburgh* shall elect and send one Member.

6. Each of the other Burghs shall elect a Commissioner, as usual to elect to the Parliament of *Scotland*. The Commissioners and Burghs (*Edinburgh* excepted) being divided into fourteen Districts, are to meet at such Time and Burgh within the respective District, as the King appoints, and elect one for each District, viz.

7. *Kirkwall*, *Week*, *Dornock*, *Dingwall*, and *Tain*, one.

8. *Fortrose*, *Inverness*, *Nairn*, and *Forres*, one.

9. *Elgin*, *Cullen*, *Banff*, *Inverary*, and *Kintore*, one.

10. *Aberdeen*, *Inverberwy*, *Montrose*, *Aberbrothock*, and *Brockhine*, one.

11. *Forfar*, *Perth*, *Dundee*, *Coupar*, and *St. Andrews*, one.

12. *Craill*, *Kilrenny*, *Anstruther-Easter*, *Anstruther-Wester*, and *Pittenweem*, one.

13. *Dysart*, *Kirkaldie*, *Kinghorn*, and *Brunstland*, one.

14. In-

14. *Innerketben, Dumfermline, Queensferry, Culross, and Sterling, one.*

15. *Glasgow, Rensfrew, Ruglen, and Dumbarton, one.*

16. *Haddington, Dunbar, North-Berwick, Lauder, and Jedburgh, one.*

17. *Selkirk, Peebles, Linlithgow, and Lanerk, one.*

18. *Dumfries, Sanquhar, Annan, Lockmaben, and Kirckudbright, one.*

19. *Wigtown, New Galloway, Stranra-ver, and Whitehorn, one.*

20. *Air, Irvin, Rothesay, Campbeltown, and Inverary, one.*

21. Where the Votes of the Commissioners for the Districts are equal, the President of the meeting shall have the casting Vote, as Commissioner from his Burgh. The Burghs to preside by Turn; (the eldest first) as called in the Rolls of the Parliament of *Scotland*.

22. On the Death, &c. (as in Sec. 4. above.)

23. Electors for Burghs are to be 21 Years of Age complete: No Papist, nor Person who refuses to swear and subscribe the *Formula*; and Electors for Shires to be only such as were capable by the Laws at the Time of making this Act.

24. By Stat. 6 *Ann.* ch. 6. on Elections for Shires in *Scotland*, the Freeholders are

to meet at the head Burghs of their several Shires, and elect their Commissioner or Knights; the Clerks of the Meetings are to return them to the Sheriff or Stewart; and the City of *Edinburgh* in like Manner on Precept directed to the Lord Provost of the City.

25. The common Clerk of the presiding Borough is to make the like Return on Precept. The like on Vacancies by Death or Incapacity.

26. By Stat. 6 *Ann.* ch. 23. the *Abjuration* Oath is required, and the Effect of it to be declared upon the solemn Affirmation of Quakers.

27. Stat. 12 *Ann.* Sess. 1. ch. 6. recites, That of late several Conveyances of Estates have been made in trust, or redeemable for elusory Sums, no ways adequate to the true Value of the Lands, on purpose to multiply Votes in Elections of Members for *Scotland*; and enacts, That after the Determination of that Parliament, no Conveyance or Right, whereupon Infeoffment is not taken, and Seizin registrated one Year, before the Teste of the Writs for calling a new Parliament, shall, upon Objection made, entitle the Person so enfeft, to vote, or to be elected at that Election in any Shire or Stewartry in *Scotland*. In like manner upon Elections during the Continuance

ance of a Parliament, the Infeoffment ought to be a Year before the Date of the Warrant for making out a new Writ. Any of the Electors present, suspecting any Person to have his Estate in Trust, and for the Behoof of another, may require the Praeses of the Meeting to tender an Oath to the Elector, (which is altered, *Sec. 33, 34, below.*)

28. If the Elector refuses to swear, and also to subscribe the Oath, he is not capable of voting or being elected at such Election.

Notwithstanding the Oath taken, other Objections allowed by the Laws of *Scotland*, may be made.

29. No Infeoffments, &c. upon redeemable Rights, except proper Wadsetts, Adjudications, or Apprisings allowed by Act of Parliament 1681, intitles the Person to vote, or be elected in any Shire or Stewartry. Persons who have not been enrolled and voted at former Elections, are not to be enrolled, &c. except they first produce a sufficient Right, &c. to the Satisfaction of the Freeholders formerly enrolled.

30. Sheriffs, on Penalty of fifty Pounds, are to give the publick Notice, requir'd by the Laws of Scotland.

31. A Saving for Heirs apparent, and
X 2 Husbands;

Husbands; but Husbands are only to vote when the Wives are Heiresses, or have a Right to the Property of the Lands.

32. By Stat. 7 G. 2. ch. 16. To obviate Doubts whether the Laws in *England* against false Returns extend to *Scotland*, it is enacted, That if the Clerk of any Meeting of Freeholders for the Election, &c. in *Scotland* after the first of *May* 1734, wilfully returns to the Sheriff, &c. any Person other than him who is duly elected, or if any other Person pretended to be Clerk, tho' not duly elected, presumes to act as Clerk, and wilfully returns to the Sheriff, &c. he forfeits 500 *l.* to the Candidate.

33. By the same Act, Freeholders who claim to vote at such Elections, or who have a Right to vote in adjusting the Rolls of Freeholders, instead of the Oath by 12 *Ann.* are upon Request of any Freeholder formerly inrolled, before they vote in the Choice of a Member, or on adjusting the Rolls, to take, and subscribe, upon a Roll of Parchment, the following Oath to be administered by the *Præses* and Clerk of the Meeting.

THE OATH.

34. *I A. B. do, in the Presence of God, Declare and Swear, that the Lands and Estate*

State of *for which I claim*
to Vote in the Election of a Member to serve
in Parliament for this County or Stewartry,
is actually in my Possession, and do really and
truly belong to me, and is my own proper Es-
tate, and is not conveyed to me in Trust, or
for, or in Behalf of any other Person what-
soever; and that neither I, nor any Person,
to my knowledge, in my Name, or on my
Account, or by my Allowance, hath given, or
intends to give, any Promise, Obligation, Bond,
Back-Bond, or other Security whatsoever,
other than appear from the Tenour and Con-
tents of the Title upon which I now claim a
Right to Vote, directly or indirectly, for re-
disponing or reconveying the said Lands and
Estate in any manner of way whatsoever, or
for making the Rents or Profits thereof forth-
coming to the Use or Benefit of the Person
from whom I have acquired the said Estate,
or any other Person whatsoever; and that
my Title to the said Lands and Estate is not
nominal or fictitious, created or reserved in
me, in order to enable me to Vote for a
Member to serve in Parliament; but that
the same is a true and real Estate in me,
for my own Use and Benefit, and for the
Use of no other Person whatsoever; and
that is the Truth, as I shall answer to God.

35. On Refusal to take and subscribe the

X 3

Oath

Oath if required, his Vote is to be disallowed, and his Name erased out of the Freeholders Roll. Falsly taking the Oath, is punishable as Perjury by the Laws of *Scotland*.

36. Sheriffs, &c. are, within four Days after Receipt of the Writ, to issue Precepts to the Boroughs to be delivered to the Chief Magistrate residing within the Borough; who, within two Days after, is to summon the Council, by personal Notice, or at the Dwelling of Counsellors residing; they are then to appoint a peremptory Day for the Election, but two free Days are to intervene.

37. Sheriffs, &c. who wilfully annex to the Writ a false or undue Return, and common Clerks of presiding Boroughs who wilfully return to the Sheriff, &c. any Person other than the Person elected, forfeit 500*l.* to the Candidate injured: The Suit to commence in six Months; on Neglect of the Party injured, any Freeholder, &c. may sue.

38. Freeholders before either inrolled or admitted to vote at the Election, or meeting for Inrollment, in any Question, (if required by a Freeholder) are to take the Oath appointed to be taken by Electors of Members of Parliament, which the *Præses* or Clerk is to administer.

39. A Proviso for the District of Boroughs of *Wigtown, &c.* as to their Course of presiding.

SHAFTESBURY.

1. *Sabbati, 29 die Februarii, 1695.*

Resolved, That the Right of electing Members to serve in Parliament for the Borough of *Shaftesbury (in Com. Dorset)* is not only in the Mayor and Burgesses of the said Borough.

2. *Resolved*, That the Right of electing Members to serve in Parliament, for the said Borough of *Shaftesbury*, is only in the Inhabitants of the said Borough, paying Scot and Lot.

SHREWSBURY.

2. *Martis, 20 die Decembris, 1709.*

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgesses inhabiting in the said Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

2. *Jovis, 27 die Maii, 1714.*

Resolved, That the Right of electing of Burgesses

Burgesses to serve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is in the Mayor, Aldermen, and Burgesses of the said Borough.

3. The Petition of *John Powel*, *Robert Pearson*, &c. and several others, whose Names are subscribed thereto, being Burgesses of, and inhabiting in the Town of *Shrewsbury*, being read;

Resolved, That the said Petition, complaining of an undue Election and Return of *Edward Cresset* for the said Borough of *Shrewsbury*, is frivolous, vexatious, and scandalous.

4. *Ordered*, That the said Petitioners do make Satisfaction to the said *Mr. Cresset*, for his Costs and Expences.

5. *Martis, 9 die Aprilis, 1723.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Shrewsbury*, in the County of *Salop*, is only in the Burgesses inhabiting in the said Borough, or in the Suburbs thereof, paying Scot and Lot, and not receiving Alms or Charity.

6. *Resolved*, That the whole Parishes of *St. Chad*, *St. Mary*, *St. Alkmund*, *St. Julian*, the *Holy-Cross*, and *St. Giles*, and the several Vills of *Hadnall*, *Atton-Reynold*, *Meriden*, *Hanwood*, *Grinsell*, *Ollerton*, *Onslow*, *Preston*,

Preston, Gubald, Pimley, and Merival, are not within the Borough of *Shrewsbury*, or the Suburbs thereof.

7. *Resolved*, That the several Villis of *Biston, Betton, Alkmear, Lengwar, Calcot, Whitley, Whelback, Upper and Lower Rossal, Shelton Oxon, Woodcot, Horton, Munkmeal, and Goosebil*, in the Parish of *St. Chad's*; *Great and Little Berwick, Almond-Park, Newton, Albright-Husley, Cotton-Hill, Leaton, Asley, Merrington, Wollascot, Sansaw, and Clive*, in the Parish of *St. Mary, Hen-cot, Albright-Lee, Preston-Montford, Dintle, and Arlescot*, in the Parish of *St. Alkmond*; and *Pully and Shelton* in the Parish of *St. Julian*; are not Part of the ancient Borough of *Shrewsbury*, or the Suburbs thereof.

8. *Resolved*, That the Parish of *Holy-Cross* and *St. Giles* is not Part of the ancient Borough of *Shrewsbury*, or the Suburbs thereof.

SOUTHAMPTON.

I. *Martis, 31 die Decembris, 1689.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Town and County of the Town of *Southampton*, is in the Burgesses and Inhabitants of the said Town.

Martis,

Martis, 17 die Martii, 1695.

2. *Resolved*, That the Outliving Burgeses, as well as the Burgeses, Inhabitants, and other Inhabitants, paying Scot and Lot, have a Right to vote for electing Members to serve in Parliament, for the Town and County of the Town of *Southampton*.

3. *Veneris, 31 die Januarii, 1734.*

The Deputy Clerk of the Crown attending (according to Order) with the Return for the Town and County of the Town of *Southampton*:

The Writ directed to the Sheriff of the said Town was read.

And Notice being taken, that the Precept of the said Sheriff was not annexed to the said Writ:

And the House being informed, that the Deputy-Clerk of the Crown had received a Letter, with the said Precept inclosed;

He delivered the same in at the Table.

And the said Letter, directed to the said Deputy-Clerk of the Crown, subscribed by *Jos. Moyle*, dated *Southampton, Jan. 30, 1734*, and certify'd under the Hands of the said Sheriff and his Under-Sheriff, to be written by their Request, intimating, that the said Precept was omitted by the Under-

der-Sheriff; and desiring the said Deputy-Clerk of the Crown immediately to annex it to the two Returns and the Writ, before he laid it before the House of Commons; was also read.

And the said Precept, directed to the Mayor and Bailiffs of the said Town, commanding them and every one of them, jointly and severally, to cause two Burgesses to be elected; with the indorsed Receipt of the said Precept, signed by the said Mayor and Bailiffs, was also read.

And the Return of Sir *William Heathcote* Bart. and *Anthony Henley* Esq; by Indenture under the Hands and Seals of *Arthur Bracebridge* Esq; Mayor of the said Town, and *Arthur Aberly*, the younger, Gent. one of the Bailiffs of the said Town, and several Burgesses and Inhabitants thereof, annexed to the said Writ; was also read.

And the Return of Sir *William Heathcote* Bart. and *John Conduit* Esq; by Indenture under the Hands and Seals of *Jos. Ward*, Gent. one of the Bailiffs of the said Town, and several other Burgesses and Inhabitants thereof, annexed likewise to the said Writ, was also read.

And a Motion being made, and the Question being put, that the Deputy-Clerk of the Crown do attend this House upon this Day Fortnight with the Return for the
3 Town

Town and County of the Town of *Southampton*;

It passed in the Negative.

4. Afterwards, Mr. *Conduit* and Mr. *Henley* severally petitioned.

Jovis, 3 die Aprilis, 1735.

5. *Resolved*, That the Mayor and Bailiffs of the Town and County of the Town of *Southampton*, are the returning Officers for the said Town and County.

SOUTHWARK.

3. *Martis, 10 die Novembris, 1701.*

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Southwark*, in the County of *Surrey*, is only in the Inhabitants thereof paying Scot and Lot.

2. *Martis, 29 die Junii, 1714.*

On the further Hearing of the Merits of the Election for the Borough of *Southwark*, in the County of *Surrey*, &c.

A Motion being made, and the Question being put, that Persons inhabiting in the *Mint*, or Rules of the *Queen's-Bench*, in the Borough of *Southwark*, and paying a Rent of 10 *l. per Annum*, or upwards, have a Right

Right to vote for Members to serve in Parliament for the said Borough of *Southwark*, tho' they do not pay Scot and Lot within the said Borough :

It passed in the Negative.

3. *Martis, 10 die Februarii, 1735.*

On a Hearing for Southwark.

The standing Order of the 16th of *January* last (*which see, title Evidence*) was read; And

The last Determination of the House (*supra Martis, 10 die Novembris, 1702.*) was read.

See more of this Hearing under Title Evidence.

STAFFORD.

Jovis, 25 die Januarii, 1710.

1. *Resolved*, That the Sons of Burgeses, and those who have served Apprentices seven Years in the Borough of *Stafford*, have a Right (upon demand thereof) to be made Burgeses of the said Borough.

2. *Martis, 27 die Novembris, 1722.*

Resolved, Nemine Contradicente, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Stafford* in the County of *Stafford*, is in the Mayor,
Y Aldermen,

Aldermen, and Burgesſes reſiant within the ſaid Borough.

3. Jovis, 4 die Februarii, 1734.

Resolved, That Perſons made Burgeſſes of the Borough of *Stafford*, in the County of *Stafford*, ſince the Death of *John Dolphin* Eſq; late Member of Parliament for the ſaid Borough (not being the Sons of Burgeſſes, or not having ſerved ſeven Years Apprenticeship within the ſaid Borough) had not a Right to vote in the late Election of a Burgeſs to ſerve in this preſent Parliament for the ſaid Borough.

STAMFORD.

1. Luna, 8 die Martii, 1735.

Resolved, That the Right of Election of Burgeſſes to ſerve in Parliament for the Borough of *Stamford* in the County of *Lincoln*, is in the Inhabitants paying Scot and Lot, and not receiving Alms or publick Charities.

SUDBURY.

1. Martis, 19 die Januarii, 1702.

Resolved, That the Sons of Freemen, born after their Fathers were made free, and thoſe that have ſerved Apprenticeships

in the Borough of *Sudbury*, in the County of *Suffolk*, have a Right to vote in the Election of Members to serve in Parliament for the said Borough, without any Admission in form to their Freedom, or taking the Oath of Freemen.

2. *Resolved*, That it appears to this House, that *Benjamin Carter*, late Mayor of the Borough of *Sudbury*, in the County of *Suffolk*, was, at the last Election of Burgeses to serve in Parliament for the said Borough, guilty of great Violence and many indirect Practices, contrary to the Rights and Privileges of this House.

3. *Ordered*, That the said *Benjamin Carter* be, for his said Offence, taken into the Custody of the Serjeant at Arms attending this House.

Lunæ, 6 die Decembris, 1703.

4. *Resolved*, That the Right of Election of Burgeses to serve in Parliament for the Borough of *Sudbury* in the County of *Suffolk*, is only in the Sons of Freemen born after their Fathers were made Free, and in such as have served seven Years Apprenticeship, or are made Freemen by Redemption.

SUTHERLAND.

1. *Lunæ, 25 die Februarii, 1722.*

Resolved, That the Right of electing a
Y. 2 Commis-

Commissioner to serve in Parliament for the Shire of *Sutberland*, is in the Heritors, Fewars, Wadsetters, and Life-Renters, possessed of Lands in the said Shire, whether holding of the Crown, or of a Subject.

TAMWORTH.

1. *Veneris, 17 die Martii, 1698.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Tamworth*, is in the Inhabitants paying Scot and Lot, and in such Persons as have Freeholds within the said Borough, whether resident in the said Borough or not.

Martis, 1 die Decembris, 1702.

2. The House being informed, that there is a new Writ, issued only to the Sheriff of the County of *Stafford* for the electing a Burgess to serve in Parliament for the Borough of *Tamworth*, whereas the Borough is also within the County of *Warwick*;

Ordered, That the Clerk of the Crown do make out a *Supersedeas* to the Writ by him lately made out, and directed to the Sheriff of the County of *Stafford* only; and that Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a Writ

Writ directed to the Sheriff of the County of *Warwick*, and another Writ directed to the Sheriff of the County of *Stafford*, for the electing a Burgess to serve in this present Parliament for the said Borough of *Tamworth*.

3. *Mercurii*, 23 die *Januarii*, 1722.

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Tamworth*, is in the Inhabitants, being Housholders, paying Scot and Lot, and not receiving Alms.

TAVISTOCK.

1. *Veneris*, 13 die *Martii*, 1695.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Tavistock*, (in *Com. Devon.*) is in the Freeholders of Inheritance in Possession, inhabiting within the said Borough.

2. *Jovis*, 4 die *Februarii*, 1696.

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Tavistock* in the County of *Devon*, is in the Freeholders of Inheritance in Possession, inhabiting within the said Borough, who have been or shall be presented,

sented as such, by the Jury of Enquiry of the said Borough.

3. *Martis, 19 die Januarii, 1702.*

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Tavistock* in the County of *Devon*, is in the Freeholders of Inheritance in Possession; inhabiting within the Borough.

TAUNTON.

1. *Jovis, 28 die Julii, 1715.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Taunton* in the County of *Somerset*, is in the Inhabitants within the said Borough, being Pot-wallers, and not receiving Alms or Charity.

2. *Jovis, 11 die Augusti, 1715.*

The House proceeded on the farther hearing the Merits of the Election for the Borough of *Taunton*; and the Council on both sides were called in; and the Petitioner's Council insisted upon the disqualifying several Persons who voted for the sitting Members, on account of their having received the Charities call'd the *Town-Charity* (which is vested in Feoffees) and *Meredith's Charity*.

L

And

And a Book being produced, wherein is entered the Account of the Disposition of the *Town-Charity*, the sitting Member's Council objected to the said Book's being read as Evidence.

Resolved, That the Account of *Jeffery Pyfing*, Steward and Bailiff of the Lands and Tenements belonging to the Town of *Taunton* in the County of *Somerset*, from the 21st Day of *December 1713*, to the 21st Day of *December 1714*, (inserted in a Book intituled, *Taunton; An Account-Book of the Profits of the Town-Lands, 1683*;) altho' not allowed and signed by the Feoffees, be admitted to be read as Evidence.

3. *Sabbati, 27 die Augusti, 1715.*

The House proceeded to the farther hearing of the Merits of the Election for the Borough of *Taunton*, and the Council on both sides were called in; and the Council for the sitting Members proceeded to examine Witnesses to disqualify some of the Voters for the Petitioners upon account of their receiving Charity, particularly as to a Charity called *Saunders's Charity*, and the sitting Member's Council insisting to examine as to that Charity, being given in the Year 1713; and the Petitioner's Council opposing their examining as to any Persons who had not received that Charity within a Year before the Election: And

And a Motion being made, and the Question being put, that the Council for the sitting Members be admitted to give Evidence of Persons having received *Saunders's Charity* before the 2d of *February* 1713.

It passed in the Negative.

THETFORD.

1. *Mercurii, 17 die Junii, 1685.*

Resolved, That the Right of Election for the Borough of *Thetford* (in *Com. Norfolk*) is in the Mayor, Burgeſſes (which are ten) in the Commonalty or Common-Council (which are twenty) amounting in the whole to thirty one.

2. *Sabbati, 3 die Maii, 1685.*

Resolved, That the Charter of the 16th of *Queen Elizabeth*, granted to the Borough of *Thetford*, is not duly nor legally surrendered.

TOTNESS.

1. *Mercurii, 4 die Martii, 1695.*

Resolved, That the Persons made Free by the late King *James's* Charter, to the Borough of *Totneſs*, (in *Com. Devon*) have no Right to vote in electing of Members to
ſerve

serve in Parliament for the said Borough, by virtue of such Freedom.

2. *Resolved*, That the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough of *Totneſs*, is in the Freemen not inhabiting, as well as in the Freemen inhabiting within the ſaid Borough of *Totneſs*.

TREATING. See *Capacity*.

1. By Stat. 7 *W.* 3. ch. 4. No Candidate, after the Teſts of the Writ, or after any Place becomes vacant, ſhall, by himſelf, or any other Means on his Behalf, or at his Charge, before his Election, directly or indirectly give, preſent, or allow to any Perſon having a Vote, any Money, Meat, Drink, Entertainment, or Proviſion, or make any Preſent, Gift, Reward, or Entertainment, or make any Promiſe, Agreement, Obligation, or Engagement to give or allow any Money, Meat, Drink, Proviſion, Preſent, Reward, or Entertainment, to or for any Perſon in particular, or to any County, City, &c. in general, for the Uſe, Advantage, Benefit, Employment, Profit, or Preferment, of ſuch Perſon or Place, in order to be elected.

2. And every Perſon ſo giving, preſenting, or allowing, making, promiſing or entertaining, doing, acting, or proceeding,

is disabled, upon such Election, to serve in Parliament for such County, City, &c. and shall not act, sit, or vote, but shall be as if never return'd.

3. *Veneris, 26 die Januarii, 1699.*

Resolved, That *James Sloane Esq;* in treating the Corporation of *Thetford*, in the County of *Norfolk*, has been guilty of a Breach of the late Act of Parliament for preventing Expences in Elections.

4. Then the Question being put, that *James Sloane Esq;* is duly elected a Burgess to serve in this present Parliament for the Borough of *Thetford* in the County of *Norfolk*;

It passed in the Negative.

5. *Resolved*, That the said Election is a void Election.

6. *Mr. Sloane was re-chosen, and Mr. Soame petitioned against him.*

Sabbati, 2 die Martii, 1699.

7. The House (according to Order) proceeded to take into Consideration the Act made in the 7th Year of His Majesty's Reign, for preventing Charge and Expence in Elections of Members to serve in Parliament.

And the Petition of *Edward Soame Esq;* was read.

And.

And the said Act was read.

And Mr. *Sloane* attending (according to Order) he was heard in his Place ;

And then he withdrew.

And a Debate arising in the House upon the Construction of the said Act, upon Mr. *Sloane's* being again chosen and returned for the Borough of *Tbetsford*.

And the Question being put, that the said Mr. *Sloane* be capable of serving in this present Parliament for the said Borough ;

It passed in the Negative.

8. *Sabbati, 21 die Novémbris, 1702.*

Resolved, That the Agents of Sir *Isaac Rebow* have been guilty of treating and other corrupt Practices, in order to procure the said Sir *Isaac Rebow* to be elected a Burgess to serve in Parliament for the Borough of *Colchester*, in the County of *Essex*.

9. *Ordered*, That *John Weely*, Agent for Sir *Isaac Rebow*, for his corrupt Practices in endeavouring to procure the said Sir *Isaac Rebow* to be elected a Burgess for the said Borough of *Colchester*, be taken into Custody.

W A L E S .

1. The Stat. 27 H. 8. ch. 26. enacts the
Laws

Laws of *England* to obtain in *Wales*, and directs the Division thereof into Hundreds; and that two Knights be chosen for *Monmouth-Shire*, and one Burgess for the Borough of *Monmouth*.

2. The same Act appoints one Knight to be chosen for every County in *Wales*; and one Burgess for every Borough being a Shire-Town, except the Shire-Town of *Merioneth*: The Fees of the Burgesses to be levied as well of the Shire-Towns, as of all other ancient Boroughs within the same Shires.

3. The Stat. 35 H. 8. ch. 11. gives direction for levying the Fees or Wages in *Wales* and *Monmouthshire*, for their Knights and Burgesses; but this is antiquated.

WALLINGFORD.

1. *Jovis, 15 die Decembris, 1709.*

Resolved, That the Right of electing Burgesses to serve in Parliament, for the Borough of *Wallingford*, in the County of *Berks*, is in the Mayor, Aldermen, Bailiffs, and eighteen Assitants, together with the Inhabitants of the said Borough, paying Scot and Lot, and not receiving Alms or Charity,

WAR-

WARWICK.

1. *Sabbati, 3 die Maii, 4 C. 1. 1648.*

Resolved, That the Right of Election for the Town of *Warwick*, is in the Commonalty of the said Town.

1. *Jovis, 31 die Januarii, 1722.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Borough of *Warwick*, is in such Persons only as pay to Church and Poor in the said Borough.

WELLS.

1. *Martis, 18 die Februarii, 1695.*

Resolved, That the Right of electing Citizens to serve in Parliament for the City of *Wells*, in the County of *Somerset*, is only in the Mayor, Masters and Burgesses of the said City.

2. *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the City of *Wells*, in the County of *Somerset*, is in the Mayor, Masters, and Burgesses of the said City.

3. *Resolved*, That the By-Law made by the governing Part of the Corporation of *Wells* in 1712, pretending to inflict one hundred Pounds Penalty on the Mayor that nominates or makes any Burgesses without

the Consent of the major Part of the Corporation, and fifty Pounds Penalty on any Burgeſſ that takes the Oath appointed to be taken by the Burgeſſ, or that uſes, claims, or challenges any Freedom or Privilege of a Burgeſſ without ſuch Aſſent, is arbitrary and illegal.

4. *Reſolved*, That the Right of Election of Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, and Burgeſſes of the ſaid City, and in ſuch Perſons as are (by Conſent of the Mayor and Common-Council of the ſaid City) admitted to their Freedom in any of the ſeven trading Companies of the ſaid City, on account of Birth, Servitude, or Marriage.

5. *Veneris*, 18 die *Aprilis*, 1729.

Reſolved, That the Right of electing Citizens to ſerve in Parliament for the City of *Wells*, in the County of *Somerſet*, is in the Mayor, Maſters, Burgeſſes and Free-men of the ſaid City, who are admitted to their Freedom in any of the Seven Companies within the ſaid City, being thereunto intituled by Birth, Servitude, or Marriage.

6. *Martis*, 11 die *Martii*, 1734.

The laſt Determination of the Houſe,
made

made the 18th Day of *April* 1729, concerning the Right of Election of Citizens to serve in Parliament for the said City of *Wells*, which is thereby resolved to be in the Mayor, Masters, Burgesses and Freemen of the said City, who are admitted to their Freedom in any of the seven Companies within the said City being thereunto intitled by Birth, Servitude, or Marriage, was read.

And the several Resolutions of the House made the 30th Day of *May* 1716, and the 2d Day of *May* 1723, concerning the Right of Election of Citizens to serve in Parliament for the said City, was read.

And part of the Report from the Committee of Privileges and Elections, made the 11th Day of *April* 1717, touching the Election for the said City, in relation to the Evidence of *Richard Thomas*, was read.

Resolved, That the Council for the Petitioners be restrained from giving Evidence, That it is a necessary Qualification of a Burgess of the City of *Wells*, that such Person, previous to his being made a Burgess, was a Freeman of the said City, intitled to such Freedom by Birth, Servitude, or Marriage.

7. *Jovis, 13 die Martii, 1734.*

On the same Election.

A Book of the Company of Hammer-men within the said City being delivered in, an Entry wherein was read.

And several Books of the several Companies of Taylors, Mercers, Inn-keepers, Stocking-makers, Butchers, and Cordwainers within the said City, being delivered in, several Entries in the Book of the Company of Taylors, in relation to the Admission of a Person to his Freedom, were read.

8. *Martii, 18 die Martii, 1734.*

On the same Election.

Resolved, That *John Joyce*, a Freeman of the City of *Wells*, be admitted to give Evidence as to the Right of the eldest Sons of Freemen there to be admitted to the Freedom of the said City.

9. *Jovis, 20 die Martii, 1734.*

An Entry in a Book of the Company of Mercers, N^o 1. was read, and a Witness was examined in order to prove the Qualification of another Person.

10. And an Entry in a Book of the Company of Hammer-men was read, and a Witness was receiv'd, in order to prove the Qualification of another Person.

11. And

11. And in order to qualify another Person named in the said List, as being the eldest Son of a Freeman of the said City, an Entry in the Book of the Company of Stocking-makers, was read.

12. N. B. *This Election was determined Martis, 25 die Martii, 1735; but there are at that Time no Resolutions which explain the Rights of Election for that City.*

WENDOVER.

I. *Sabbati, 21 die Novembris, 1702.*

Resolved, That Persons coming by Certificate to live in the Borough of *Wendover*, have not thereby a Right to vote for the Election of Members to serve in Parliament for the said Borough.

WEOBLY.

I. *Jovis, 3 die Martii, 1736.*

Resolved, That the Right of Election of Burgesses to serve in Parliament for the Bprough of *Weobly*, in the County of *Heresford*, is in the Inhabitants of the ancient Vote-Houses of 20 s. *per Annum* Value and upwards, residing in the said Houses forty Days before the Day of Election, and paying Scot and Lot, and also in the Owners of such ancient Vote Houses paying Scot and Lot, who shall be resident in such Houses at the Time of the Election.

WESTBURY.

1^o *Martis*, 1^a die Decembris, 1702.

Resolved, That the Tenants of Burgage-Houses, by Lease for Years absolute, have a Right to vote in the Election of Members to serve in Parliament for the Borough of *Westbury*, in the County of *Wilts*.

2. *Lunæ*, 28 die Martii, 1715.

The Clerk of the Crown (according to Order) attended with the Returns for the County of *Wilts*.

The Sheriff's Precept directed to the Mayor of the Borough of *Westbury*, in the said County; the Receipt given by the said Mayor for the same; and the Return of *Willoughby Bertie* and *Francis Annesley Esqs*; by Indenture under the common Seal of the said Borough, signed by the Mayor; and also,

The Return of *George Evans* and *Charles Allanson Esqs*; by Indenture under the Hands and Seals of *John Turner*, Constable of the said Borough, and several other Burgesses, were severally read.

Ordered, That the Clerk of the Crown do take off the File the said Indenture, by which *Mr. Evans* and *Mr. Allanson* are returned.

3. *Mer.*

3. Mercurii, 1 die Junii, 1715.

Resolved, That the Right of Election of Members to serve in Parliament for the Borough of *Westbury*, in the County of *Wills*, is in every Tenant of any Burgage-Tenement in Fee, for Life, or Ninety-nine Years determinable on Lives, or by Copy of Court-Roll, paying a Burgage-Rent of four Pence or two Pence Yearly, being Resident within the Borough, and not receiving Alms.

WESTMINSTER.

1. Luna, 15 die Novembris, 1680.

Resolved, That the King's menial Servants, not having proper Houses of their own within the City of *Westminster*, have not Right to give Voices in the Election of Citizens to serve in Parliament for the said City.

WYMOUTH and MELCOMBE REGIS.

Jovis, 3 die Junii, 1714.

1. Mr. *Medlicott*, (according to Order) reported, &c. the Election for the Borough of *Wymouth* and *Melcombe Regis*, in the County of *Dorset*; and the Resolutions of the Committee thereupon, &c. are as follow, *viz.*

Resolved, That it is the Opinion of this Com-

Committee, that those Persons who had no Right of voting in the Election of Members to serve in Parliament for the Borough of *Weymouth and Melcombe Regis*, in the County of *Dorset*, at *Lady-day* 1710, and not claiming by Purchase for a valuable Consideration, or by Will, or by Descent since that Time, had a Right to vote in the last Election of Members to serve in Parliament for the said Borough.

2. *Resolved*, That it appearing to this Committee, that divers scandalous and illegal Practices have been lately carried on in the Borough of *Weymouth and Melcombe Regis*, in the County of *Dorset*, to multiply Votes in order to the last Election of Members to serve in Parliament; it is the Opinion of this Committee, that all such Persons whose Votes were not admitted at the Determination of the last contested Election in Parliament for the said Borough, and who have not acquired a Right by Descent or Devise since that Time, had a Right of Voting in the last Election of Members to serve in Parliament for the said Borough.

3. *Resolved*, That it is the Opinion of this Committee, that no Freeholders of the Borough of *Weymouth and Melcombe Regis* in the County of *Dorset*, made since the Election of Burgesses to serve in Parliament

for the said Borough in April 1721, unless claiming by Devise or Descent, had any Right of Voting in the last Election of Members to serve in Parliament for the said Borough.

4. *Resolved*, That it is the Opinion of this Committee, that all Conveyances to split and divide the Interest in any Houses or Lands in the Borough of *Weymouth* and *Melcombe Regis*, among several Persons, in order to multiply Voices at the Election of Members, to serve in Parliament for the said Borough, are illegal and void.

Here follow seven other Resolutions, who are, and who are not duly elected, &c. for N. B. this Borough sends four Members, it having been two Boroughs formerly.

The first and second Resolutions being severally read a second Time, were, upon the Question severally put thereupon, disagreed unto by the House.

The rest of the said Resolutions being severally read a second Time, were, upon the Question severally put thereupon, agreed unto by the House.

WHITCHURCH.

1. *Martis, 21 die Decembris, 1708.*

Resolved, That the Right of electing Burgesses to serve in Parliament for the Borough of *Whitchurch*, in the County of *South-*

Southampton, is in the Freeholders only of Lands or Tenements, in Right of themselves or their Wives; not split since the Act of the 7th and 8th Years of the Reign of King *William*.

WILTON.

I. Sabbati, 28 die Novembris, 1702.

Resolved, That the Election of any Person to be a Burgess of *Wilton*, in the County of *Wils*, who has not taken the Sacrament of the Lord's Supper, according to the Rites of the Church of *England*, within one Year before such Election, is a void Election.

WINCHELSEA.

I. Jovis, 7 die Februarii, 1711.

Resolved, That the Freemen of the Port of *Winchelsea*, are not obliged to qualify themselves by receiving the Sacrament according to the Corporation-Act.

NEW-WINDSOR.

I. Jovis, 4 die Novembris, 1680.

Resolved, That in the Borough of *New-Windsor*, those Inhabitants only who pay Scot and Lot, have Right to vote in the Election of Burgesses to serve in Parliament for the said Borough.

2. Sab-

2. *Sabbati, 17 die Maii, 1690.*

Resolved, As the Opinion of the Committee, That the Right of electing Burgesses to serve in Parliament for the Borough of New-Windsor, is in the Mayor, Bailiffs, and select Number of Burgesses only.

The Question being put, that the House do agree with the Committee in the said Resolution;

It passed in the Negative.

3. *Sabbati, 5 die Aprilis, 1697.*

Resolved, That the Mayor, Bailiffs, and Burgesses of New-Windsor, have not the Right of electing Members to serve in Parliament for the said Borough.

4. *Resolved, That the Borough of New-Windsor hath a Right to send Burgesses to Parliament by Prescription.*

5. *Resolved, That all the Inhabitants of the said Borough have the Right of electing Members to serve in Parliament for the said Borough.*

6. *Jovis, 23 die Maii, 1737.*

On a Hearing for *New-Windsor*.

The standing Order made on the 16th of *January 1735*, for restraining Counsel from offering Evidence touching the Legality of Votes contrary to the last Determination

tion of the House of Commons, was read.
And

7. The last Determination of the House concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the 4th Day of *November 1680*, which was then reſolved to be in thoſe Inhabitants only who pay Scot and Lot, was alſo read.

WITNESSES. See Evidence.

1. *Mercurii, 12 die Martii, 1700.*

Reſolved, That it appears that Mr. *Lawton* is guilty of tampering with Witneſſes, and endeavouring to ſuppreſs the Evidence to be given concerning the corrupting the Electors for the ſaid Borough, (*Bramber in Suffex.*)

Ordered into Cuſtody for the ſaid Offence.

2. *Jovis, 13 die Martii, 1700.*

Reſolved, That *Samuel Sheppard*, Senior, Eſq; is guilty of ſending out of the way a Witneſs, and endeavouring to ſuppreſs the Evidence touching Matters under the Examination of this Houſe.

3. *Jovis, 28 die Aprilis, 1715.*

At the further hearing the Merits of the Election for the Borough of *Shaſtesbury* in the County of *Dorſet* — the Council for the Petitioners proceeded to give Evidence touch-

touching the corrupting of Votes for the sitting Member; and also touching such Persons as had a Right to vote, but were refused to be admitted for the Petitioners.

After which the sitting Members Council proceeded to call Witnesses, to justify the Voters objected against by the Petitioners Council.

And *Edward Grimsted*, Sen. being called in to prove the Qualification of *Richard Hayter* (who had been objected against by the Petitioners Council) to vote at the said Election:

And the Petitioners Council objecting against his being examined as a Witness, in regard that the said *Edward Grimsted* was charged, by the Petitioners Evidence, with having endeavoured to corrupt some Persons to vote for the sitting Members, the Council on both sides were heard, touching the said Objection:

And then he withdrew.

Resolved, That the Council for the sitting Members be admitted to examine *Edward Grimsted*, Senior, as to *Richard Hayter's* being qualified to vote at the late Election of Members to serve in Parliament for the Borough of *Shaftesbury*.

4. *Robert Brickle*, being called to prove the Qualification of *Abraham Buckland* (who had been objected against by the Petitioners

A a

Coun-

Council) to vote at the said Election; and the said *Robert Brickle* being objected against by the Petitioners Council, in regard that he had been charged by the Petitioners Evidence with having endeavoured to suborn a Person to give false Evidence to this House; the Council, &c.

And a Motion being made, and the Question being put, That the Council for the sitting Members be admitted to examine *Robert Brickle* as to *Abraham Buckland's* being qualified to vote at the late Election of Members to serve in Parliament for the Borough of *Shaftesbury*:

It passed in the Negative.

5. *Martis*, 24. *die Maii*, 1715.

The House (according to Order) proceeded to the further hearing the Merits of the Election for the Borough of *Hertford*: And one *Thomas Webb* being offered to be examined as a Witness, the sitting Member's Council objected against his being examin'd, for that he was charg'd by the sitting Members Evidence to have endeavoured to procure a Vote for the Petitioners by Corruption, at the last Election, and had reflected on the Justice of this House.

Resolved, That the Petitioners Council be admitted to examine *Thomas Webb*, in relation

relation to *John Bowle's* being an Inhabitant of the Borough of *Hertford* at the time of his being made Free.

6. *Jouis, 2 die Junii, 1715.*

The House proceeded to the further hearing the Merits of the Election for the Borough of *Newcastle Under-line*, and the Council, &c.

And one *Ralph Mare* being offered as a Witness to prove the distributing Wheat, and Money instead thereof, to the Burgesses:

The Petitioners Council objected against his being examined as a Witness, for that he was charged by the Petitioners Evidence with having confessed he had thirty Shillings to come up to be a Witness.

Resolved, That the sitting Members Council be admitted to examine *Ralph Mare* as a Witness, touching Wheat being distributed at the Borough of *Newcastle Under-line*.

7. The Petitioner's Council replied, and called one *Samuel Lowe* to be examined as a Witness touching a Declaration made by the Petitioner Mr. *Offley*, before her late Majesty's death, of his Intention to distribute Wheat; and the sitting Members Council objected against his being examined as a Witness, he being charged by the sit-

ting Members Evidence to have distributed the said Wheat.

Resolved, That the Council for the Petitioners be admitted to examine *Samuel Lowe*, in relation to the Wheat distributed at the Borough of *Newcastle Under-line*.

WOODSTOCK.

i. Martis, 16 die Martii, 1713.

Resolved, That the Right of electing Members to serve in Parliament for the Borough of *New-Woodstock*, in the County of *Oxon*, is in the Mayor, Aldermen, and Freemen of the said Borough.

W R I T and P R E C E P T.

See Poll, Return.

1. Members for Counties are chosen by Virtue of the King's Writ directed to the Sheriff. Members for Cities and Boroughs are chosen by Virtue of the Writ, and the Sheriff's Precept grounded thereupon; the Precept being directed to the Mayor, or other returning Officer.

By Statute 7 and 8 W. 3. ch. 25. when any new Parliament shall be called, there shall be forty Days between the Tette and Returns of the Writs, and the Writs shall

issue

issue with as much Expedition as may be. And as well upon calling a new Parliament as in the case of any Vacancy, the Writ shall be delivered to the proper Officer, and to no other Person. And he shall endorse thereon the Day he received it, and forthwith make out the Precepts to each Borough, &c. within his Jurisdiction, where any Member is to be elected; and within three Days after the Receipt of the Writ, shall by himself or proper Agent, deliver such Precept to the proper Officer of such Borough, &c. to whom the Execution of it appertains, and to no other Person; and such Officer shall endorse thereon the Day of his receipt thereof in the presence of the Party from whom he receives it, and shall forthwith cause Notice to be given of the Time and Place of Election, and proceed to Election within eight Days next after the Receipt of the Precept, and give four Days Notice at least of the Day appointed for Election.

No Officer, to whom the Execution of such Writ or Precept belongs, shall give, pay, receive, or take any Reward or Gratuity whatsoever, for the making out Receipt, Delivery, Return, or Execution of such Writ or Precept.

YARMOUTH, in the Isle of Wight.

1. *Jovis, 11 die Aprilis, 1717.*

Resolved, That the By-Law made the twenty-first of September one thousand six hundred and seventy, by the Mayor and five chief Burgesses of *Yarmouth*, in the *Isle of Wight* (being the major part of the chief Burgesses then existing) for electing free Burgesses, by the Mayor and five chief Burgesses, was a good By-Law.

YORKSHIRE.

1. By Stat. 10 *Ann.* ch. 23. the Sheriff of the County of *York* is to appoint seven convenient Tables or Places for taking the Poll of that County, at any new Election of a Knight or Knights of the Shire, at the Costs and Charges of the Candidates, to continue till the Poll be concluded.

YORK and YORKSHIRE.

2. *Martis, 9 die Martii, 1735.*

Resolved, That Persons whose Freeholds lie within that Part of the County of the City of *York*, which is commonly called the *Aynsty*, have a Right to vote for Knights of the Shire for the County of *York*.

The

*The following Votes are not standing Orders,
but of late Years have been voted at the
Beginning of every Session.*

Ordered, That a Committee of Privileges
and Elections be appointed.

And a Committee was appointed accord-
ingly.

And they are to meet upon this Day
seven-night, at five of the Clock in the
Afternoon, in the Speaker's Chamber, and
to sit every *Wednesday, Friday, and Monday*
in the Afternoon; and all that come are
to have Voices: And they are to take into
Consideration all such Matters, as shall or
may come in Question touching Returns,
Elections, and Privileges, and to proceed
upon double Returns in the first Place, and
to report their Proceedings, with their
Opinions thereupon, to the House, from
Time to Time: And all Persons that will
question any Returns, are to do it within
fourteen Days next, and so within fourteen
Days next after any new Return shall be
brought in: and the Committee are to have
Power to send for Persons, Papers, and Re-
cords, for their Information; and all Mem-
bers, who are returned for two or more Pla-
ces, are to make their Election by this Day
three Weeks, for which of the Places they
will serve, provided there be no Question
upon

upon the Return for that Place. And if any thing shall come in Question, touching the Return, Election, or Matter of Privilege of any Member, he is to withdraw during the Time the Matter is in debate; and that all Members returned upon double Returns do withdraw, till their Returns are determined.

Resolved, That no Peer of this Realm hath any Right to give his Vote in the Election of any Member to serve in Parliament.

Resolved, That when the House shall judge any Petition, touching Elections, to be frivolous and vexatious, the House will order Satisfaction to be made to the Person petition'd against.

Resolved, That if it shall appear that any Person hath procured himself to be elected or returned a Member of this House, or endeavoured so to be, by Bribery, or any other corrupt Practices, this House will proceed with the utmost Severity against such Person.

Resolved, That if it shall appear that any Person hath been tampering with any Witness in respect of his Evidence to be given to this House, or any Committee thereof, or directly or indirectly hath endeavour'd to deter or hinder any Person from appearing or giving Evidence, the same is declared to

be a high Crime and Misdemeanor, and this House will proceed with the utmost Severity against such Offender.

Resolved, That if it shall appear that any Person hath given false Evidence in any Case before this House, or any Committee thereof, this House will proceed with the utmost Severity against such Offender.

Resolved, That it is an high Infringement of the Liberties and Privileges of the Commons of *Great Britain*, for any Lord of Parliament, or any Lord Lieutenant of any County, to concern themselves in the Elections of Members to serve for the Commons in Parliament.

And on the opening of the Session, November 1740, the Resolution in Title HEAR-ING, Sect. 3. was voted.

F I N I S



A
T A B L E
O F
Acts of PARLIAMENT

Used in the preceding COLLECTION;
with REFERENCES to the TITLES
and SECTIONS where they are ab-
stracted or mentioned.

3 E. 1. ch. 5. *There shall be no Distur-
bance of Free Elections.*
[Freedom of Elections, Sec. 5.]

7 H. 4. ch. 15. *The Manner of the Elec-
tion of Knights of Shires for
a Parliament.*

[Return, Sec. 2.]

1 H. 5. ch. 1. *What sort of People shall
be chosen, and who shall be
Choosers of the Knights and
Burgesses of the Parliament.*
[Qualification, Sec. 2, 3.]

8 H.

8 H. 6. ch. 7. *What sort of Men shall be Choosers, and who shall be chosen Knights of the Parliament.*

[Freeholders, Sec. 1. Qualification, Sec. 4. Return, Sec. 7.]

10 H. 6. ch. 2. *Certain Things required in him which shall be a Chooser of the Knights of the Parliament.*

[Qualification, Sec. 5.]

23 H. 6. ch. 15. *Who shall be Knights for the Parliament. The Manner of their Election. The Remedy where one is chosen and another returned.*

[Electors, &c. Sec. 1. Qualification, Sec. 6. Return, Sec. 1, 3.]

27 H. 8. ch. 26. *Concerning the Laws to be used in Wales.*

[Wales, Sec. 1, 2.]

34 & 35 H. 8. ch. 13. *An Act for making of Knights and Burgesses within the County and City of Chester.*

[Cheshire.]

35 H.

25 H. 8. ch. 11. *The Bill for Knights and Burgesses in Wales, concerning the Payment of their Fees and Wages.*

[Wales, Sec. 3.]

25 C. 2. ch. 9. *An Act to enable the County Palatine of Durham to send Knights and Burgesses to serve in Parliament.*

[Durham.]

30 C. 2. ch. 1. *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.*

[Electors, Sec. 2. Oaths, Sec. 6.]

32 C. 2. *An Act of Scotland, concerning the Election of Commissioners of Shires.*

[Dumbarton, Sec. 1. Peebles, Poll, Sec. 18.]

W. & M. ch. 1. *An Act for removing and preventing all Questions and Disputes concerning the Assembling and Sitting of this present Parliament.*

[Oaths, Sec. 4, 5.]

I W.

1 W. & M. ch. 18. Sec. 13. *An Act for exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws.*
[Oaths, Sec. 7.]

1 W. & M. Sess. 2. ch. 2. *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.*
[Freedoms of Elections, Sec. 1. Oaths, Sec. 4, 5.]

2 W. & M. ch. 7. *An Act to declare the Right and Freedom of Election of Members to serve in Parliament for the Cinque-Ports.*
[Freedom of Elections, Sec. 2.]

5 & 6 W. & M. ch. 7. Sec. 58. *An Act for granting to their Majesties certain Rates and Duties upon Salt, and upon Beer, Ale and other Liquors; for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of Ten Hundred Thousand Pounds*
B b

Pounds towards carrying on the War against France.

[Offices, Sec. 1.]

5 & 6 W. 3. *An Act for granting to their Majesties several Rates and Duties upon Tunnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of Fifteen Hundred Thousand Pounds towards carrying on the War against France.*

[Freedom of Elections, Sec. 3. Offices, Sec. 2.]

7 & 8 W. 3. *An Act for preventing Charge and Expence in Election of Members to serve in Parliament.*

[Bos-ton, Sec. 5, 6. Treating.]

7 & 8 W. 3. *An Act to prevent false and double Returns of Members to serve in Parliament.*

[Return, Sec. 4, 5.]

7 & 8

7 & 8 W. 3. *An Act for the farther regulating Elections of Members to serve in Parliament; and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members.*

[Capacity, Sec. 1. Electors, Sec. 1. Freeholders, Sec. 3. Poll, Sec. 1. to 7, and Sec. 13.]

7 & 8 W. 3. *An Act for the better Security of his Majesty's Royal Person and Government.*

[Electors, Sec. 2.]

7 & 8 W. 3. *An Act, that the solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Form.*

[Oaths, Sec. 8. Quakers, 2.]

10 & 11 W. 3. *An Act for preventing irregular Proceedings of Sheriffs and other Officers, in making the Returns of Members chosen to serve in Parliament.*

[Return, Sec. 7, 8.]

11 & 12. W. 3. *An Act for granting an Aid*
 ch. 2. Sec. 150, *to his Majesty by Sale of the*
 151. *forfeited and other Estates*
and Interests in Ireland; and
by a Land-Tax in England,
for the several Purposes there-
in mentioned.

[Offices, Sec. 3.]

12 & 13 W. 3. *An Act for the further Li-*
 ch. 2. Sec. 3. *mitation of the Crown, and*
better securing the Rights and
Liberties of the Subjects.

[Capacity, Sec. 2.]

12 & 13 W. 3. *An Act for granting an Aid*
 ch. 10. *to his Majesty, for defraying*
the Expence of his Navy,
Guards and Garisons for one
Year, and for other necessary
Occasions.

[Freedom of Elections, Sec. 4. Offices,
 Sec. 4, 13, 18.]

13 & 14 W. 3. *An Act for the further Se-*
 ch. 6. *curity of his Majesty's Per-*
son, and the Succession of the
Crown in the Protestant Line,
and for extinguishing the Hopes
of the pretended Prince of

Wales,

Wales, and all other Pretenders, and their open and secret Abettors.

[Capacity, Sec. 3, 4.]

2 & 3 Ann. ch. 4. *An Act for the publick Registering of all Deeds, Conveyances and Wills that shall be made of any Honours, Mannors, Lands, Tenements or Hereditaments within the West-Riding of the County of York, after the nine and twentieth Day of September, One Thousand seven Hundred and Four.*

[Offices, Sec. 5.]

4 Ann. ch. 8. *An Act for the better Security of her Majesty's Person and Government, and of the Succession to the Crown of Great-Britain in the Protestant Line.*

[Capacity, Sec. 4. Electors, Sec. 2. Oaths, Sec. 10. Offices, Sec. 6, 7.]

5 Ann. ch. 8. *An Act for the Union of the two Kingdoms of England and Scotland.*

[Scotland, Sec. 1 to 23.]

B b 3

6 Ann.

6 Ann, ch. 6. *An Act for rendering the Union of the two Kingdoms more entire and compleat.*

[Scotland, Sec. 24, 25.]

6 Ann, ch. 7. *An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line.*

[Offices, Sec. 18.]

6 Ann, ch. 23. *An Act to make further Provision for electing and summoning sixteen Peers of Scotland to sit in the House of Peers in the Parliament of Great Britain, and for Trying Peers for Offences committed in Scotland, and for the further regulating of Elections of Members to serve in Parliament.*

[Quakers, Sec. 2. Scotland, Sec. 26.]

9 Ann, ch. 5. *An Act for securing the Freedom of Parliaments by the further qualifying the*

3

Mem-

*Members to sit in the House
of Commons.*

[Malden, Sec. 4. Oaths, Sec. 2. Quali-
fication, Sec. 7 to 12, and Sec. 24 to 28.]

10 Ann, ch. 23. *An Act for the more effe-
ctual preventing fraudulent
Conveyances, in order to mul-
tiply Votes for electing Knights
of Shires to serve in Parlia-
ment.*

[Cheshire, Sec. 2. Evidence, Sec. 19, 32.
Freeholders, Sec. 2, 4, 5. Oaths, Sec.
3. Poll, Sec. 8.]

12 Ann, ch. 5. *An Act to explain a Clause
in an Act of the last Session of
Parliament, intituled, An Act
for the more effectual prevent-
ing fraudulent Conveyances,
in order to multiply Votes for
electing Knights of Shires to
serve in Parliament, as far
as the same relates to the as-
certaining the Value of Free-
holds of forty Shillings per
Annum.*

[Evidence, Sec. 19. Freeholders, Sec. 6.]

12 Ann, Sess. 1. *An Act for the better re-
gulating the Elections of Mem-
bers*

bers to serve in Parliament for that part of Great Britain called Scotland.

[Peebles. Scotland, Sec. 27 to 31.]

- 1 Geo. 1. Sess. 2. ch. 6. *An Act for making perpetual an Act of the seventh and eighth Years of the Reign of his late Majesty, King William III. intituled, An Act that the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form; and for explaining and enforcing the said Act in Relation to the Payment of Tithes and Church Rates, and for appointing the Form of an Affirmation to be taken by the said People called Quakers, instead of the Oath of Abjuration.*

[Electors, Sec. 3. Quakers, Sec. 8.]

- 1 Geo. 1. Sess. 2. ch. 56. *An Act to disable any Person from being chosen a Member of, or from Sitting and Voting in the House of Commons, who has any Pension for*

for any Number of Years
from the Crown.

[Offices, Sec. 65.]

11 G. 1. ch. 18. *An Act for regulating Elections within the City of London; and for preserving the Peace, good Order, and Government of the said City.*

[London, per totum.]

2 G. 2. ch. 24. *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament.*

[Bribery, Sec. 39 to 45. Electors, Sec. 4. Electors for Cities, &c. Sec. 2. Evidence, Sec. 27, 28. Return, Sec. 6.]

7 G. 2. ch. 16. *An Act for the better regulating the Election of Members to serve in the House of Commons, for that part of Great Britain called Scotland; and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of Exchequer in Scotland, to be elected,*

*electd, or to sit or vote as
Members of the House of
Commons.*

[Offices, Sec. 68. Scotland, Sec. 32 to 39.]

8 G. 2. ch. 30. *An Act for regulating the
Quartering of Soldiers during
the Time of Elections of Mem-
bers to serve in Parliament.*

[Freedom of Elections, Sec. 5 to 9.]

9 G. 2. ch. 38. *An Act to explain and a-
mend so much of an Act made
in the second Year of his present
Majesty's Reign, intituled, An
Act for the more effectual
preventing Bribery and Cor-
ruption in the Election of
Members to serve in Parlia-
ment, as relates to the com-
mencing and carrying on of
Prosecutions grounded upon the
said Act.*

[Bribery, Sec. 46.]

13 G. 2. ch. 20. *An Act for the more effec-
tually preventing fraudulent
Qualifications of Persons to
vote as Freeholders in the E-
lection of Members to serve
in*

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in Parliament, for such Cities and Towns as are Counties of themselves in that part of Great Britain called England.

[Freeholders, Sec. 7.]





I N D E X.

- A** Beristwith, *see* Cardigan.
Abingdon, 1. (*see* Alms, Freedom of Elections, Sec. 10, 11.)
Adjournment, *see* Poll, Sec. 1, 4, 7, 13, 17.
Age, *see* Capacity, Sec. 1.
Agmondesham, 1, 2.
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Aldborough *in* Yorkshire, 4. (*see* Capacity, Sec. 5, 6, 7.)
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Alms, 5, (*see* Abingdon, Ailesbury, Aldborough *in* Suffolk, Bedford, Cambridge, Cirencester, Colchester, Coventry, Dugwich, Grantham, Hastings, Hertford, Higham-ferrers, Hindon, Honiton, Ipswich, Launceston, Leicester, Liverpool, Lymington, Minehead; Sec. 8. Northampton, Sec. 3, 4. Norwich, Orford, Sec. 2. Peterborough, Sec. 2. Reading, Sec. 1, 2. Sandwich, Shrewsbury, Sec. 1, 5. Stamford, Tamworth, Sec. 3. Taunton, Wallingford, Westbury, Sec. 3.)
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- Banbury, 7, 8.
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ADDITIONS

From 1740 to 1747, inclusive.

Veneris, 11 die Decembris, 1741.

A Motion being made, and the Question being proposed, that the Clerk of the Crown do take off the File the Indenture of Return of Burgesses to serve in this present Parliament for the Borough of *Bossiney* in the County of *Cornwall*, signed by *Pasko Hoskin*, the same not being signed by the proper Returning Officer of the said Borough.

Mr. *Foster*, one of the sitting Members for the said Borough, being present, withdrew.

Resolved,

That the Clerk of the Crown do take off the File the Indenture of Return of Burgesses to serve in this present Parliament for the Borough of *Bossiney*, in the County of *Cornwall*, signed by *Pasko Hoskin*, the same not being signed by the proper Returning Officer of the said Borough.

And he took the same off the File accordingly.

A

Resolved,

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E N D

ADDITIONS

From 1740 to 1747, inclusive.

Veneris, 11 die Decembris, 1741.

A Motion being made, and the Question being proposed, that the Clerk of the Crown do take off the File the Indenture of Return of Burgesses to serve in this present Parliament for the Borough of *Bosfinney* in the County of *Cornwall*, signed by *Pasko Hoskin*, the same not being signed by the proper Returning Officer of the said Borough.

Mr. *Foster*, one of the sitting Members for the said Borough, being present, withdrew.

Resolved,

That the Clerk of the Crown do take off the File the Indenture of Return of Burgesses to serve in this present Parliament for the Borough of *Bosfinney*, in the County of *Cornwall*, signed by *Pasko Hoskin*, the same not being signed by the proper Returning Officer of the said Borough.

And he took the same off the File accordingly.

A

Resolved,

2 *Additions from 1740 to 1747.*

Resolved,

That the Clerk of the Crown do annex to the Writ the Indenture of Return of Burgesses to serve in this present Parliament for the Borough of *Bossiney* in the County of *Cornwall*, signed by *John Robins*, he being the proper returning Officer of the said Borough.

And he annexed the same to the Writ accordingly.

Ordered,

That *Thomas Foster* and *Richard Liddel*, Esquires, be at Liberty to petition this House touching the Election for the said Borough of *Bossiney*, within fourteen Days next, if they think fit.

Martis, 15 die Decembris, 1741.

The House proceeded to the Hearing of the Matter of the Petition of the several Burgesses and Inhabitants of the City and Liberty of *Westminster*, whose Names are thereunto subscribed, in behalf of themselves, and several other Burgesses and Inhabitants of the said City and Liberty, complaining of an undue Election and Return for the said City.

And the Counsel were called in.

And the Counsel were directed to withdraw.

The Counsel were again called in.

And the said Petition was read.

And the last Determination of the House concerning the Right of electing Citizens to serve in Parliament for the said City, made the 15th Day of *November* 1680 (when the House resolved, that the King's menial Servants not having proper Houses of their own within the City of

Westminster,

Additions from 1740 to 1747. 3

Westminster, have not a Right to give Voices in the Election of Citizens to serve in Parliament for the said City) was also read.

Martis, 22 die Decembris, 1741.

Resolved,

That Mr. *John Lever*, High Bailiff of the City of *Westminster*, at the last Election of Citizens to serve in Parliament for the said City, acted at the said Election in an illegal and arbitrary manner, in Prejudice of the Rights and Liberties of the Electors of the said City, and in manifest Violation of the Freedom of Elections.

Ordered,

That the said Mr. *John Lever* be for his said Offence taken into the Custody of the Serjeant at Arms attending this House.

Resolved,

That it appears to this House, that a Body of armed Soldiers, headed by Officers, did, on *Friday* the 8th Day of *May* last, come in a military manner, and take Possession of the Church-yard of *St. Paul, Covent-Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken, before the said Election was ended.

Resolved,

That the Presence of a regular Body of armed Soldiers, at an Election of Members to serve in Parliament, is an high Infringement of the Liberties of the Subject, a manifest Violation of the Freedom of Elections, and an open Defiance of the Laws and Constitution of this Kingdom.

A 2

Ordered,

4 *Additions from 1740 to 1747.*

Ordered,

That *Nathanial Blackerby*, Esq; do attend this House upon *Friday* the 22d Day of *January* next.

Ordered,

That *George Howard*, Esq; do attend this House upon *Friday* the said 22d Day of *January*.

Ordered,

That *Thomas Lediard*, Esq; do attend this House upon *Friday* the said 22d Day of *January*.

Lunæ, 18 die Januarii, 1741.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *East Grimstead* in the County of *Suffex*, in the room of the Right Honourable *Charles Sackville*, Esq; commonly called Earl of *Middlesex*, who, since his Election for the said Borough, hath accepted the Office of Head Steward of his Majesty's Honour of *Oxford* in the County of *Kent*.

Martis, 19 die Januarii, 1741.

It appearing from the said double Return (with which the Clerk of the Crown attended according to order) that the Indenture of Return of the Honourable *Alexander Hume-Campbell*, Esq; was immediately annexed to the Writ.

The Counsel for the Honourable *Alexander Hume-Campbell*, Esq; were first heard.

Resolved,

That the Counsel be called in, and directed to proceed

proceed according to the Resolution of this House of the 11th of *May*, 1733, which Resolution is, That the Right of Election of a Praeses and Clerk, is in such Persons as stand upon the Roll last made up by the Freeholders at the *Michaelmas* Head Court, or at the last Election of a Member to serve in Parliament.

Resolved,

That *David Home* of *Wedderburn*, Sheriff-Depute for the Shire of *Berwick*, having accepted and returned to the Clerk of the Crown in Chancery, an Indenture of Return of a Commissioner to serve in this present Parliament for the Shire of *Berwick*, not being signed by the proper Clerk, has acted arbitrarily and illegally, in Defiance of the Laws of the Land, and in Breach of the Privilege of this House.

Ordered,

That the said *David Home* be for his said Offence taken into the Custody of the Serjeant at Arms attending this House.

Veneris, 22 die Januarii, 1741.

Major General *Folliott* (attending according to Order) was called in and examined, and produced a Letter received by him on the 8th Day of *May* last, signed with the Names of *Nat. Blackerby*, *George Howard*, and *T. Lediard*, and also another Letter, received by him the same Day, signed with the same Names, and the Names of three other Persons.

And then he withdrew.

And several Witnesses having been examined, in order to prove the Hand-writing of *Nathaniel*

6 *Additions from 1740 to 1747.*

Blackerby, George Howard, and Thomas Lediard, Esquires.

And being withdrawn,

The said first mention'd Letter was read.

Then the said *Nathaniel Blackerby, George Howard, and Thomas Lediard, Esquires* (attending according to Order) were called in, and having severally confessed that they signed the said Letter, and having expressed their Concern for their Offence therein;

They withdrew.

And the several Resolutions of the House of the 22d Day of *December* last, in relation to the Body of armed Soldiers, headed by Officers, coming on the said 8th Day of *May* last, in a military manner, and taking Possession of the Church-yard of *St. Paul, Covent-Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken, before the said Election was ended, being read,

Ordered,

That the said *Nathaniel Blackerby, George Howard, and Thomas Lediard*, having been called in, and at the Bar of this House confessed, that they did send for, and cause to come on *Friday* the 8th Day of *May* last, a Body of armed Soldiers headed by Officers, in a military manner, who did take Possession of the Church-yard of *St. Paul, Covent-Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken before the said Election was ended, and the said *Nathaniel Blackerby, George Howard, and Thomas Lediard* having acknowledged their Offence therein,

in, do attend this House to-morrow Morning, in order to be brought to the Bar thereof, to be reprimanded on their Knees by Mr. Speaker for the said Offence.

Sabbati, 23 die Januarii, 1741.

Nathaniel Blackerby, George Howard, and Thomas Lediard, Esquires, attending according to Order, were brought to the Bar, and upon their Knees reprimanded by Mr. Speaker, as the House had directed, and were ordered to be discharged, paying their Fees.

Resolved,

That the Thanks of this House be given to Mr. Speaker for the Speech by him made upon reprimanding the said *Nathaniel Blackerby, George Howard, and Thomas Lediard*, and that he be desired to print the same.

Lunæ, 25 die Januarii, 1741.

The House being informed, that the Honourable *James Carmichael, Esq;* who is returned in the double Return for the District of Burghs of *Peebles, Linlithgow, Lanerk, and Selkirk*, and petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition, and not to contest the Matter of the said Election and Return with *John Mackye of Palgown, Esq;* returned also in the said double Return;

Ordered,

That Mr. *Carmichael* be at Liberty to withdraw his said Petition.

The House being thereupon also informed, that
John

8 *Additions from 1740 to 1747.*

John Mackye, Esq; who is returned in the said double Return, and petitioned complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition.

Ordered,

That Mr. *Mackye* be at Liberty to withdraw his said Petition.

Ordered,

That the Order made upon the 14th Day of *December* last; for hearing the Matter of the said Petitions, and of the said double Return at the Bar of this House, be discharged.

Ordered,

That the Clerk of the Crown do attend this House immediately, to amend the Return for the District of Burghs of *Peebles, Linlithgow, Lanerk,* and *Selkirk*, by razing out the Name of the Honourable *James Carmichael*, Esquire.

And he attended accordingly with the said double Return.

And Notice being taken, that some other Parts of the Indenture of the said double Return, did relate also to the Return of the said Mr. *Carmichael*,

Ordered,

That the Clerk of the Crown do likewise raze out whatever Parts of the said Indenture relate to the Return of the said Mr. *Carmichael*.

And he amended the said Return accordingly.

Martis, 26 die Januarii, 1741.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament

Parliament for the Borough of *Milborne Port* in the County of *Somerset*, in the room of *Thomas Medlycott*, Esq; who, since his Election for the said Borough, hath accepted the Office of one of the Commissioners for licensing Hawkers and Pedlars.

Mercurii, 27 die Januarii, 1741.

The House being informed, that *James Fall* Esquire, who is returned in the double Return for the District of Burghs of *Dunbar, North Berwick, Haddington, Lauder* and *Jedburgh*, and petitioned, complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition, and not to contest the Matter of the said Election and Return with *Sir Hew Dalrymple* Baronet, returned also in the said double Return;

Ordered,

That Mr. *Fall* be at Liberty to withdraw his said Petition.

The House being, thereupon, also informed, that *Sir Hew Dalrymple* Baronet, who is returned in the said double Return, and petitioned, complaining thereof, and of the Election for the said District of Burghs, desires to withdraw his Petition;

Ordered,

That *Sir Hew Dalrymple* Baronet, be at Liberty to withdraw his said Petition.

The House being, thereupon, likewise informed, that the Magistrates and Town-Council of the Borough of *Haddington*; and also, that the Magistrates and Town-Council of the Borough of *North Berwick*; and also, that the Magistrates

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gistrates and Town-Council of the Borough of *Lauder*, who severally petitioned, complaining of the said Election and double Return, desire to withdraw their said Petitions;

Ordered,

That the Magistrates and Town-Council of the Borough of *Haddington*, be at Liberty to withdraw their said Petition.

Ordered,

That the Magistrates and Town-Council of the Borough of *North-Berwick*, be at Liberty to withdraw their said Petition.

Ordered,

That the Magistrates and Town-Council of the Borough of *Lauder*, be at Liberty to withdraw their said Petition.

Ordered,

That the Committee of Privileges and Elections be discharged from proceeding upon the Matter of the said several Petitions and of the said double Return.

Ordered,

That the Clerk of the Crown do attend this House immediately, to amend the Return for the District of the Burghs of *Dunbar*, *North Berwick*, *Haddington*, *Lauder*, and *Jedburgh*, by taking off the File the Indenture, by which the said *James Fall* Esquire, is returned a Commissioner to serve in this present Parliament for the the said District of Burghs.

And he attended accordingly, and amended the said Return.

Jouis,

Jois, 28 die Januarii, 1741.

On an Hearing for Chippenham.

The last Determination of the House concerning the Right of electing Burgesses to serve in Parliament for the said Borough, made the 9th Day of *April* 1624 (when it was resolved, that the new Charter altered not the Custom, and that the Burgesses and Freemen, more than twelve, had Voice in the Election) was also read.

A Motion was made, and the Question being put, that in the last Determination of this House, of the Right of Election of Members to serve in Parliament for the Borough of *Chippenham* in the County of *Wilts*, made the 9th Day of *April* in the Year 1624; which is, "That the new Charter
" alters not the Custom; and that the Burgesses
" and Freemen, more than twelve, have Voice
" in the Election," the Words *Burgesses and Freemen*, mentioned in the said Resolution, mean only such Burgesses and Freemen, as are Inhabitants Housholders of the antient Houses, called Free, or Burgage Houses within the said Borough.

It passed in the Negative.

Lune, 22 die Februarii, 1741.

On an Hearing for the County of Denbigh.

They examined several Witnesses, and produced Evidence, in order to prove, that the Sheriff of the said County was guilty of great Partiality, in Favour of the Sitting Member, by obliterating

terating and interlining an Assessment of the Land Tax for the Year 1740, in which *John Jones* was rated for his Freehold, and afterwards objecting to his Vote at the said Election, for not being rated for the said Freehold ; by unnecessarily protracting the Poll ; by objecting to the Votes of many Freeholders, on Account of Non-residence within the said County ; by querying the Votes of several Freeholders, who voted for the Petitioner Sir *Watkin Williams Wynn*, Baronet, and admitting, without a Query, the Votes of several Freeholders, who voted for the Sitting Member, though liable to the same Objections ; by querying many Votes upon Suggestion only, and some by private Direction to his Under Sheriff ; by declaring, at the Close of the Poll, what Majority appeared for the said Petitioner, and delivering to each Candidate a Paper, containing the Numbers of their respective Voters, and also, when a Scrutiny was demanded on Behalf of the Sitting Member, refusing to grant it, because the whole Election had been a Scrutiny ; yet, when a Return of the said Petitioner was demanded, refusing then to make it on Pretence of Fatigue, and of his Doubt concerning the Objection of Non-residence, and adjourning the County Court to a certain Time and Place, with Promises to do the said Petitioner Justice, when he had looked into his Notes, and to give him Notice of the Return ; yet afterwards, before the Day of Adjournment, privately and without such Notice, making a Return of the Sitting Member, though, if all the queried Votes on both Sides had been disallowed, the said Petitioner had a considerable Majority.

Martis,

Martis, 23 die Februarii, 1741.

Resolved,

That *William Myddleton Esquire*, High Sheriff of the County of *Denbigh* at the last Election of a Knight of the Shire to serve in Parliament for the said County, having taken upon himself to return *John Myddleton Esquire*, as Knight of the Shire to serve in this present Parliament for the said County, contrary to the Majority of Votes received by him upon the Poll, and to his own Declaration of the Numbers at the Close of the Poll, without any subsequent public Examination into the Rights of the Voters previous to such Return, and having afterwards presumed to alter the said Poll, in order to give a Colour to such Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifest Violation of the Rights of the Freeholders of the said County, and in Breach of the Privilege of this House.

Ordered,

That the said *William Myddleton Esquire* be, for his said Offence, committed Prisoner to his Majesty's Goal of *Newgate*; and that Mr. Speaker do issue his Warrants accordingly.

Resolved,

That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions, for removing the said *William Myddleton Esquire*, from being Receiver-General of the Land Revenue in *North Wales*, and also from being one of his Majesty's Justices of the Peace for the County of *Denbigh*, and for the County of *Flint*.

B

Ordered,

14 *Additions from 1740 to 1747.*

Ordered,

That the said Address be presented to his Majesty, by such Members of this House as are of his Majesty's most Honourable Privy Council.

Mercurii, 24 die Februarii, 1741.

Ordered,

That the Resolution of this House of Yesterday (that *William Myddleton* Esquire, High Sheriff of the County of *Denbigh*, at the last Election of a Knight of the Shire, to serve in Parliament for the said County, having taken upon himself to return *John Myddleton* Esquire, as Knight of the Shire to serve in this present Parliament for the said County, contrary to the Majority of Votes received by him upon the Poll, and to his own Declaration of the Numbers at the Close of the Poll, without any public subsequent Examination into the Rights of the Voters, previous to such Return, and having afterwards presumed to alter the said Poll, in order to give a Colour to such Return, has acted partially, arbitrarily, and illegally, in Defiance of the Laws, in manifest Violation of the Rights of the Freeholders of the said County, and in Breach of the Privilege of this House) be humbly laid before his Majesty by such Members of this House, as are of his Majesty's most Honourable Privy Council, at the same Time that they present to his Majesty the Address of this House yesterday resolved to be presented to his Majesty (that he will be graciously pleased to give Directions for removing *William Myddleton* Esquire, from being Receiver-General of the Land Revenue in *North Wales*, and also
from

Additions from 1740 to 1747. 15

from being one of his Majesty's Justices of the Peace for the County of *Denbigh*, and for the County of *Flint*.)

Jovis, 25 die Februarii, 1741.

Mr. *Comptroller* reported to the House that his Majesty had been attended with the Resolution and Address of this House relating to *William Myddleton* Esquire; and that his Majesty had commanded him to acquaint this House, that his Majesty will give Directions for doing what is desired by this House.

Lunæ, 1 die Martii, 1741.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of *Derby*, in the County of *Derby*, in the room of the Right Honourable *James Cavendish* Esq; commonly called Lord *James Cavendish*, who since his Election for the said Borough, hath accepted the Office of Auditor of all foreign Accounts or Imposts, within the Kingdom of *Ireland*.

Veneris, 19 die Martii, 1741.

On a further Hearing for the Borough of *Flint*.

Resolved,

That the Counsel for the Petitioners be admitted now to proceed to shew that the Inhabitants of the several Boroughs of *Flint*, *Rhydlan*,

Caerwys, Caergurley, and Overton, (including Knolton and Overton Foreign) renting Lands or Tenements for which the Landlords thereof, only, pay Scot and Lot, have not a Right to vote in the Election of a Burgess to serve in Parliament for the Borough of Flint, in the County of Flint.

The Counsel were again called in; and Mr. Speaker acquainted them with the said Resolution.

Then the Counsel for the Petitioners were heard, in order to shew, that such Inhabitants have not that Right.

And the Counsel for the Sitting Member were heard by way of Answer; and examined several Witnesses, in order to shew, that, by the Usage of the said Borough, some Landlords of Tenements are rated, and pay for Tenements occupied by their Tenants, and that such Tenants have a Right to Vote, and have Voted, in the Elections of a Member to serve in Parliament for the said Borough.

And the Counsel for the Petitioners having replied; the Counsel on both Sides were again directed to withdraw.

A Motion was made, and the Question being put, that the Inhabitants of the several Boroughs of *Flint, Rhjŷllan, Caerwys, Caergurley, and Overton, (including Knolton and Overton Foreign) renting Lands or Tenements, for which the Landlords thereof, only, pay Scot and Lot, have a Right to Vote in the Election of a Burgess to serve in Parliament for the Borough of Flint, in the County of Flint.*

It passed in the Negative.

Jouis,

Jovis, 1 die Aprilis, 1742.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Baron to serve in this present Parliament for the Port of *Hastings*, in the County of *Suffex*, in the room of *Andrew Stone*, Esq; who, since his Election for the said Port, hath accepted the Office of Secretary of the Island of *Barbadoes*.

Lunæ, 12 die Aprilis, 1742.

A Petition of *William Myddleton*, Esq; late High Sheriff of the Shire of *Denbigh*, was presented to the House, and read; setting forth, that the Petitioner was, on the 23d Day of *February*, ordered, by this House, to the Custody of the Keeper of his Majesty's Goal of *Newgate*, and did, the next Day, in Consequence of such order, surrender himself to the Serjeant at Arms, attending this House, and was immediately carried to the said Goal, where he has remained in close Confinement ever since, whereby his Health has been much impaired; and that such Confinement, longer continued, may be the Means of indangering his Life; and that the Petitioner is extremely sorry, and humbly begs pardon for having given offence to this House; and therefore praying the House to take the Premises into Consideration, and that the Petitioner may be discharged out of Custody.

Ordered,

That the said *William Myddleton, Esq;* committed Prisoner by this House to his Majesty's Goal of *Newgate*, upon *Tuesday*, the 23^d Day of *February* last, be brought to the Bar of this House To-morrow Morning, in Order to his being discharged out of Custody; and that Mr. Speaker do issue his Warrants accordingly.

Jovis, 6 die Maii, 1742.

Resolved, Nemine Contradicente,

That *John Cullis*, having in his Examination before a Committee of this House, wilfully and maliciously given false Evidence, tending to asperse the Character of *John Larocbs, Esq;* a Member of this House, is thereby guilty of a high Misdemeanor, and a Breach of the Privilege of this House.

Ordered, Nemine Contradicente,

That the said *John Cullis* be, for his said Offence, committed Prisoner to his Majesty's Goal of *Newgate*; and that Mr. Speaker do issue his Warrants accordingly.

Martis, 11 die Maii, 1742.

A Petition of *John Cullis* was presented to the House, and read; representing to the House, that the Petitioner has had the Misfortune of incurring the Displeasure of the House, by giving false Testimony at a Committee, relating to a worthy Member; for which Offence the Petitioner is now confined to his Majesty's Goal of *Newgate*; and that the Petitioner is truly sensible
of

of his Fault, is sincerely sorry, and most heartily repents of such his Offence, and humbly begs Pardon of the House, and also of the worthy Member; and that the Petitioner has lately had a violent Fit of Illness, is now very weak, and in a bad State of Health; and most humbly assures the House, that, if he is confined in *Newgate* any longer, it will greatly hazard the Petitioner's Life, which will be an irreparable Loss to his poor Family; and therefore praying the House to take the Petitioner's Case into Consideration, and give Leave, that he may be discharged out of Prison.

Ordered,

That the said *John Cullis*, committed Prisoner, by this House, to his Majesty's Goal of *Newgate*, upon *Thursday* last, be brought to the Bar of this House To-morrow Morning, in order to his being discharged out of Custody; and that Mr. Speaker do issue his Warrants accordingly.

Martis, 22 die Junii, 1742.

The House being informed, that *General Wade* (a Member of this House) hath, since his Election to serve in this present Parliament, for the City of *Bath* in the County of *Somerset*, accepted the Office of Lieutenant General of His Majesty's Ordnance; and the Opinion of the House being desired, whether by the Acceptance of the said Office, his Seat in Parliament became void;

And a Motion being made, and the Question being proposed, that the accepting the Office of Master General, or Lieutenant General, of His Majesty's

Majesty's Ordnance, by any Member of this House, being an Officer in the Army, does vacate the Seat of such Member in this House.

The House was moved, that the 28th Section of an Act made in the 6th Year of the Reign of Queen Anne, intituled, *An Act for the Security of her Majesty's Person and Government, and of the Succession of the Crown of Great Britain in the Protestant Line*, might be read :

And the same being read accordingly ;

And the Question being put, that the accepting the Office of Master General, or Lieutenant General, of His Majesty's Ordnance, by any Member of this House, being an Officer in the Army, does vacate the Seat of such Member in this House ;

It passed in the Negative, *Nemine Contradicente.*

Martis, 13 die Julii, 1742.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the University of Cambridge, in the Room of the Honourable *Edward Finch* Esquire, who, since his Election for the said University, hath accepted the Office of one of the Grooms of the Bed-Chamber to His Majesty.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgess to serve in this present

present Parliament for the Borough of *Gram-pound*, in the County of *Cornwall*, in the Room of *Daniel Boone* Esquire, who since his Election for the said Borough, hath accepted the Office of Commissary General of the Musters.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament, for the Borough of *Cockermouth* in the County of *Cumberland*, in the Room of the Honourable *William Finch*, Esq; who, since his Election for the said Borough, hath accepted the Office of Vice-Chamberlain of His Majesty's Household.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament, for the Borough of *Devizes* in the County of *Wilts*, in the Room of *Francis Eyles*, Esq; who, since his Election for the said Borough, hath accepted the Office of Super-intendant of His Majesty's Foundries.

Mercurii, 14 die Julii, 1742.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Commissioner to serve in this present Parliament for the Shire of *Edinburgh*, in the Room of *Sir Charles Gilmour*, Bart. who, since his Election for the said Shire, hath accepted the

22 *Additions from 1740 to 1747.*

the Office of Paymaster of his Majesty's Board of Works.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of *Christ-Church*, in the County of *Southampton*, in the Room of *Edward Hooper*, Esq; who, since his Election for the said Borough, hath accepted the Office of Paymaster of divers annual Bounties and Penlions.

Jovis, 15 die Julii, 1742.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Electing of a Burgess to serve in this present Parliament for the Borough of *Orford*, in the County of *Suffolk*, in the Room of the Honourable *Henry Legge*, Esq; who, since his Election for the said Borough, hath accepted the Office of Surveyor-General of his Majesty's Woods, on the North and South Side of the River *Trent*.

Jovis, 2 die Decembris, 1742.

The House being informed, that the Petition of *Nicholas Robinson*, Esq; complaining of an undue Election and Return for the Borough of *Wotton-Bassett* in the County of *Wilts*, presented to the House on *Tuesday* last, and referred to the
Con-

Consideration of the Committee of Privileges and Elections, is not signed by the Petitioner.

Ordered,

That it be an Instruction of the said Committee, that, before they proceed on the said Petition, they do examine into the Manner of Signing the same, and make Report thereof to the House.

Veneris, 10 die Decembris, 1742.

Ordered,

That *Nicolas Robinson*, Esq; be at Liberty to withdraw his Petition complaining of an undue Election and Return for the Borough of *Wotton-Basset* in the County of *Wilts*.

Ordered,

That the Committee of Privileges and Elections be discharged from proceeding upon the Matter of the said Petition.

Ordered,

That the said Committee be discharged from examining into the Manner of signing the said Petition.

Martis, 19 die Aprilis, 1743.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Calne* in the County of *Wilts*, in the Room of Lieutenant-Colonel *William Elliot*, who, since his Election for the said Borough, hath accepted the Office of one of the Equerries to his Majesty.

Mercurii,

24 *Additions from 1740 to 1747.*

Mercurii, 20 die Aprilis, 1743.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Commissioner to serve in this present Parliament for the Shire of *Linlithgow*, in the Room of *George Dundas, Esq;* who, since his Election for the said Shire, hath accepted of the Office of Master of his Majesty's Works in that Part of *Great Britain* called *Scotland*.

Jovis, 1 die Decembris, 1743.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Thetford* in the County of *Norfolk*, in the Room of *Charles Fitzroy, Esq;* who, since his Election for the said Borough, hath accepted of the Office of Groom-Porter within all his Majesty's Houses in *England* and elsewhere.

Jovis, 22 die Decembris, 1743.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *Truro* in the County of *Cornwall*, in the Room of the Honourable *Charles Hamilton, Esq;* who, since
his

Additions from 1740 to 1747. 25

his Election for the said Borough, hath accepted the Office of Receiver-General and Collector of the Revenues in the Island of *Minorca*.

Martis, 7 die Februarii, 1743.

Ordered,

That Mr. *William Nock* and Mr. *Robert Dyer*, Clerks of the Secretary of the Commissioners of the Stamp-Duties, do immediately attend this House with the Book, or Books, belonging to the Stamp-Office, wherein the Impressions of the several Stamp-Duties are entered, in order to the producing of the said Book, or Books, at the Hearing of the Matter of the Petition of *Arthur Trevor*, Esq; and the several Persons, whose Names are thereunto subscribed, severally complaining of an undue Election and Return for the Borough of *Denbigh*, in the County of *Denbigh*; the Matter of which Petitions is appointed to be heard at the Bar of this House, this Day.

Resolved,

That the right of Election of a Burgess to serve in Parliament for the Borough of *Denbigh*, in the County of *Denbigh*, is in the Burgesses, Inhabitants of the Boroughs of *Denbigh*, *Ruthyn*, and *Holt* respectively.

Note, " This hearing lasted many Days, and
" the Evidence, Objections, &c. on both
" Sides, mentioned in the printed Votes,
" amount to many Pages, which we thought
" too voluminous for our present Purpose,
" as no special Resolution was made; the
" whole concluding only with a general
" Resolution, That the sitting Member was
" duly elected."

C

Jovis,

Jovis, 17 die Januarii, 1744.

On a hearing for Great Marlow.

Resolved,

That an Instrument in Writing, offered in Evidence by the Council for the Petitioner, as the original Will of *Elias Simes*, bearing Date the 8th Day of *July*, 1738, and containing a Devise of Lands, and produced at the Bar by *John Merchant*, as the original Will of *Elias Simes*; and which he, the said *John Merchant*, declared he brought from *Doctors Commons*, be admitted to be given in Evidence, although no Proof be made of the said Will by any of the subscribing Witnesses thereto.

Martis, 30 die Aprilis, 1745.

Ordered,

That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of *North Allerton* in the County of *York*, in the room of *William Smelt*, Esq; who, since his Election for the said Borough, hath accepted the Office of Receiver of his Majesty's casual Revenue in the Island of *Barbados*.

Martis, 3 die Aprilis, 1746.

Resolved,

That the Right of Election of Burgesses to serve
in

in Parliament for the Borough of *Haden* in the County of *York*, is in the Burgesses of the said Borough.

Tovis, 5 die Februarii, 1746.

Upon the further Hearing for the Borough of *Haden*, the Counsel were called in,

And the Counsel for the Petitioner proceeded in their Evidence, in order to disqualify several other Persons, who voted for the Sitting Member at the said Election, as been influenced by Bribery.

And having proposed to examine Witnesses, in order to prove a Confession, made both before and after the said Election, by *William Ellis*, one of the said Persons, that he, the said *Will. Ellis*, had received a Bribe to vote for the Sitting Member;

And the Counsel for the Sitting Member having objected to the Admission of this Evidence, the said *William Ellis* having, at the said Election, taken the Oath appointed by an Act made in the 2d Year of his present Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament.*

And the Counsel for the Petitioner having made Answer to that Objection;

And the Counsel for the Sitting Member having replied to that Answer;

The Counsel on both Sides were directed to withdraw.

The House was mov'd, that the Journal of the House of the 12th Day of *February, 1735*, might be read in relation to the Resolution of the House, in the Case touching the Election and Return for

the Borough of *Southwark* in the County of *Surry*, whereby the Petitioner's Counsel were restrained from examining *Thomas Gaman*, to prove his having received a Bribe to give his Vote for the sitting Member, the said *Thomas Gaman* having at the time of that Election taken the Oath required by the said Act.

The House was also moved, that the Journal of the House of the 18th Day of *Jan. 1744*, might be read, in Relation to the Proceedings of the House in the Case touching the Election and Return for the Borough of *Great Marlow* in the County of *Bucks*; when the Counsel for the Petitioner proposed to prove, that a Person, who voted for the Sitting Member, had been induced to give his Vote both by Threats and Promises, and proposed to prove that Fact by Evidence of the Confession of that Person.

And the said Journals were read accordingly.

The Counsel on both Sides were again called in; and the Counsel for the Petitioner were directed to proceed in their Evidence.

Then a Witness was examined, in order to prove the Confession of the said *William Ellis*, made before the said Election, that he had received a Bribe to vote for the Sitting Member.

Then the Counsel on both Sides were directed to withdraw.

They were again called in.

And the said Witness was further examined.

And another Witness was also examined, in order to prove the like Confession of the said *William Ellis*, made after the said Election.

A Motion was made, and the Question being put, that the receiving of Sacrament Money does
disqualify

disqualify Persons to vote in Elections of Members to serve in Parliament ;

It passed in the Negative, *Nemine Contradicente.*

Luna, 9 die Februarii, 1746.

On the further Hearing for Hedon.

Then the Counsel for the Sitting Member alledg'd, that the Petitioner was incapable of being elected a Member to serve in Parliament, having been convicted of an Offence against an Act made in the second Year of his present Majesty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament ;* by which Act every Person so offending, being convicted thereof, is for ever disabled to vote in any Election of Members to Parliament ; and also to hold, exercise, and enjoy any Office, or Franchise, to which he then shall, or at any time afterwards may, be intitled, as a Member of any City, Borough, Town-Corporate, or Cinque-Port, as if such Person was naturally dead.

And an attested Copy of the Record of the Judgment given upon the Action brought in the Court of *Common-Pleas* at *Westminster*, in *Hilary Term*, in the 16th Year of his present Majesty's Reign, against the Petitioner, for the Penalty contained in the said Act, was produced and read.

And then the Council on both Sides were directed to withdraw.

Ordered,

That the further Hearing of the Matter of the

30 *Additions from 1740 to 1747.*

said Petition be adjourned till to-morrow Morning.

Note. On the 11th of the same Month it was resolved, that the Petitioner was duly elected.

Martii, 24 die Februarii, 1746.

A Complaint being made to the House, at the Request of the Burgesses of the Borough of *Calne* in the County of *Wilts* that an undue Attempt had been made to influence them, in giving their Votes for a Member to serve in Parliament for the said Borough, by the Promise of 1500 *l.* to be deposited in a Banker's Hands for that Purpose, to be spent or Distributed as the major Part of the Electors shall think proper.

And a Letter signed *W. Leverland*, and dated *London, January 13, 1746*, directed to *Mr. William Hale*, and brought to him, as the House was informed, by *Mr. Stephen Hale* (in which Letter that deposit is promised for that Purpose) was brought up to the Table and read.

Ordered,

That *W. Leverland* do attend this House on this Day sevensnight,

Ordered,

That *W. Hale* do attend this House upon this Day sevensnight.

Ordered,

That *Stephen Hale* do attend this House upon this Day sevensnight.

Note, "Afterwards *Leverland*, not attending,
" was ordered to be taken into Custody, and
" not being found, a Proclamation, with a
" Reward for apprehending him, was published,

“ lished, in pursuance of an Address for that
“ Purpose.”

By Stat. 15. *Geo. 2. ch. 22.* After the Dissolution of that Parliament, no Commissioner of the Revenue in *Ireland*, or Commissioner of the Navy or Victualing Offices, nor any Deputies or Clerks of any of the said Offices ; or in the Office of Lord High Treasurer, or the Commissioners of the Treasury, or of the Auditor of the Exchequer, or of the Tellers of the Exchequer, or of the Lord High Admiral, or the Commissioners of the Admiralty ; or of the Pay-masters of the Army or of the Navy, or of the principal Secretaries of State, or of the Commissioners of the Salt, or of the Stamps, or of Appeals, or of Wine-Licenses, or of Hackney-Coaches, or of Hawkers and Pedlars, nor any Persons having any Office, Civil or Military, in *Minorca* or *Gibraltar*, other than Officers having Commissions in any Regiment there only, shall be capable of being elected into the House of Commons.

If any Person hereby disabled shall be returned as a Member, such Election and Return shall be void. And if any Person disabled by this Act shall sit or vote as a Member, he shall forfeit 20 *l.* for every Day in which he shall sit or vote, to such Person who shall sue for the same in any Court at *Westminster*, with full Costs by Action of Debt, Bill, Plaint, or Information, in which no Effoin, &c. to be allowed, and only one Impartance, and shall from thenceforth be incapable of any Office of Honour or Profit under the Crown.

Provided not to extend to exclude the Treasurer or Comptroller of the Navy, the Secretaries of the Treasury, the Secretary to the Chancellor
of

of the Exchequer, or Secretaries of the Admiralty, the under Secretary to any of the principal Secretaries of State, or the Deputy Paymaster of the Army, or any Person having any Office for Life, or for so long as he shall behave himself well in his Office.

By Stat. 16. *Geo. 2. ch. 11.* Part of Stat. 12. *Ann.* is repealed, *viz.* that no Person who has not been inrolled and voted at former Elections, shall be inrolled, &c. unless he first produce a sufficient Right, &c.

This Act establishes the Persons upon the Roll last made up, to be the original constituent Members at the next Meeting, to revise the Roll.

It gives a Remedy by Summary Complaint to the Court of Session, if Persons are wrongfully refused to be admitted, or are wrongfully inrolled.

It inflicts a Penalty of 100 *l.* on Officers not obeying such Decisions; and a Forfeiture of 30 *l.* and Costs, on the Complainant, if the Freeholders Judgment be affirmed.

It directs two Months Notice to be given of an Intent to claim to be inrolled; and of an Intent to object to a Freeholder.

It prohibits the Splitting of the old Extent of Lands, provided that Lands paying Taxes in Proportion to 400 *l. Scots*, shall be a Qualification.

It directs what Purchasers and Heirs apparent are to do in order to their Inrollment, and enjoins Members to take an Oath.

It directs Extracts of the Minutes to be given to Persons desiring it, paying the usual Fees, and inflicts a Penalty for refusing, or giving false Copies.

The Rolls so made up are to be called over at the

the next Election; taking false Votes in choosing a Præses or Clerk, incurs 300 *l.* Forfeiture; the like for refusing good Votes; there are Penalties of 200 *l.* on the Præses in like Cases; on Equality Votes he has the casting Voice.

Seceders, who set up a Præses or Clerk, in Opposition to the Majority, forfeit 50 *l.* each, and Persons acting as such, forfeit 200 *l.*

Minutes of the Election of a Præses and Clerk, are to be sign'd by the Commissioner, &c. refusing to sign Minutes, or signing false Minutes, incurs a Forfeiture of 100 *l.*

Clerks not making a true Return forfeit 500 *l.* so Sheriffs, &c. not annexing the Return to the Writ.

The *Michaelmas* Head-Court is to be held at the most usual time, on fourteen Days Notice.

In *Sutherland*, none are to vote but such as pay in Proportion to 200 *l.* *Scots* Rent.

Vassals of Barons are not to vote.

At Elections for Boroughs, the Minority shall not separate; Persons acting by such Authority forfeit 100 *l.*

Wrongs done by the Majority, upon Complaint within two Months, may be redressed by the Court of Session.

Magistrates, &c. of Boroughs, &c. may take the Oaths in the Boroughs.

The common Clerk is to make out a Commission for the Persons duly chosen, on forfeiture of 500 *l.*

In the Absence, &c. of the Commissioner of the presiding Borough, the next preceding shall have his Privilege of the casting Voice.

Non-

34 *Additions from 1740 to 1747.*

Non-residence is not to be an Objection against Commissioners.

In choosing Members, none are to vote but Commissioners; the Penalty of a false Return is 500 *l.*

The Return is to be annexed to the Writ, on Penalty of 500 *l.*

The Vote of a Person insisting that he was duly chosen a Commissioner, shall be recorded, but not allowed.

Electors of Commissioners shall be within the Bribery Act. 2. *Geo.* 2.

Such Electors are to take an Oath against Corruption.

Another Oath is appointed for the Clerk,

And a third for the Clerk of the presiding Borough.

If he refuses it, he is incapable, and another shall be chosen.

Clerks for Counties are to be chosen by a Majority of Freeholders, and to take an Oath in lieu of that appointed by 2. *Geo.* 2.

Writs shall be made out immediately, and delivered to the Sheriff, &c. who is to indorse the Day of the Receipt, and make out Precepts, &c. on Penalty of 100 *l.*

The Borough Magistrate is to indorse the Precept, and within two Days summon the Council, on Forfeiture of 100 *l.*

The Penalties to be recovered by summary Complaint before the Court of Session, &c.

Prosecutions to be within a Year.

By Stat. 18. *Geo.* 2. Ch. 18. After 24th June 1745, upon every Election in *England* or *Wales*, of any Knight of a Shire, every Freeholder, instead

stead of the Oath or Affirmation prescribed by Stat. 10. Ann. before he is admitted to poll, shall (if required by a Candidate, or any other Person having a Right to vote) first take the Oath (or, being a Quaker, the solemn Affirmation) following, viz.

YOU shall swear (or being one of the People called Quakers, you shall solemnly affirm) that you are a Freeholder in the County of _____ and have a Freehold Estate, consisting of _____ (specifying the Nature of such Freehold Estate, whether Messuage, Land, Rent, Tythe, or what else; and if such Freehold Estate consists in Messuages, Lands, or Tythes, then specifying in whose Occupation the same are; and if in Rent, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or one of them) lying, or being at _____ in the County of _____ of the clear yearly Value of Forty Shillings, over and above all Rents and Charges payable out of, or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents or Profits thereof, for your own Use, above twelve Kalendar Months, or that the same came to you, within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Promotion to a Benefice in a Church, or by Promotion to an Office; and that such Freehold Estate has not been granted or made to you fraudulently, on purpose to qualify you to give your Vote; and that the Place of your Abode is at _____ in _____ and that you are twenty-one Years of Age, as you

you believe ; and that you have not been polled before at this Election.

Which Oath, &c. the Sheriff by himself, his Under-Sheriff, or such sworn Clerk, or Clerks, as shall be by him appointed for the taking of the Poll, is to administer ; and if any Person taking the said Oath, &c. shall thereby commit wilful Perjury, and be thereof convicted ; and if any Person do unlawfully and corruptly procure or suborn any Person to take the said Oath, &c. in order to be polled, whereby he shall commit such wilful Perjury, and shall be thereof convicted, he, for every such Offence, shall incur the Pains and Penalties in *Stat. 5. Eliz. & Stat. 2. Geo. 2.*

Whereas by the said *Stat. 10. Ann.* it is enacted, that after *May 1, 1712.* no Person shall vote for the electing of any Knight of a Shire in *England*, in right of any Lands, &c. which have not been charged or assessed to the public Taxes, Church-Rates, and Parish-Duties, in such Proportion as other Lands, &c. of 40 s. *per annum* within the same Parish or Township are usually charged ; and whereas by *Stat. 12. Ann.* for explaining the said recited Clause, it was enacted, that the said Act shall not restrain any Person from voting in such Election, in Right of any Rents, Tithes, or other incorporeal Inheritances, or Messuages or Lands in extra parochial Places, or Chambers in the Inns of Courts or Chancery, or Messuages or Seats belonging to any Offices, in regard that the same have not been usually charged or assessed to all or any of the public Taxes, &c. or in right of any other Messuages, &c. not herein before specified, by reason that the same have not been usually charged or assessed to all the public

lic Taxes, &c. aforesaid; provided that such Messuages, &c. have usually been charged or assessed to some one or more of the said public Taxes, &c. in such Proportion as other Messuages, &c. of 40 s. *per annum* in the same Parish, &c. are usually charged to the same, be it enacted, that so much of the said recited Acts shall be repealed.

Provided that after the said 24th *June*, no Person shall vote for the electing of a Knight, &c. in *England* or *Wales*, in right of any Messuages, &c. which have not been charged or assessed towards a Land-tax in *Great Britain*, twelve Kalendar Months next before such Election.

This Act shall not restrain any Person from voting in right of any Rents, or Chambers in the Inns of Court or of Chancery, or Messuages or Seats belonging to any Officer, by reason that the same have not been usually charged or assessed to the Land-tax. The acting Commissioners of the Land-tax, or any three, &c. at their Meetings for the Divisions, shall sign and seal one other Duplicate of the Copies of the Assessments to be delivered to them by the Assessors, after all Appeals determined, and deliver the same to the Clerks of the Peace, to be kept among the Records of the Sessions; all Persons may inspect the same paying 6 d. and the Clerks of the Peace, or their Deputies, are forthwith to give Copies of the same, or any Part thereof, to any Person who shall require the same, paying after the Rate of 6 d. for every 300 Words.

After the said 24th *June* 1745, no Person shall vote in any such Election, without having a Freehold Estate in the County, of the clear yearly Value

Value of 40 s. over and above all Rents and Charges, or without having been in the actual Possession, or in Receipt of the Rents and Profits thereof, for his own Use, above twelve Kalendar Months, unless the same came to him within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, or shall vote in right of any Freehold Estate which was made to him fraudulently, on purpose to qualify him to give his Vote, or shall vote more than once at the same Election; and if any Person shall vote contrary to the true Intent hereof, he shall forfeit to any Candidate, for whom such Vote shall not have been given, and who shall first sue, 40 l. to be recovered by him, his Executors, &c. with full Costs, by Action of Debt, in any Court of Record at *Westminster*, wherein no Essoin, &c. shall be allowed; and the Proof shall lie on the Defender, unless the Fact on which such Action is grounded be, the having polled more than once at the same Election.

No public Tax, Rate or Duty, or other Tax, &c. to be assessed upon any County, &c. shall be construed to be any Charge payable out of, or in respect of any Freehold Estate within the Meaning of this Act, or of the Oath or solemn Affirmation aforesaid.

After the 24th of *June* 1745, at every such Election in *England* and *Wales*, the Sheriff, &c. shall make, at the Expence of the Candidates, such Number of convenient Booths, or Places for taking the Poll, as the Candidates, or any of them shall, three Days, at least, before the Commencement of the Poll, desire, so as the same do not exceed

exceed the Number of Rapes, &c. in the County, and not exceeding fifteen; and shall affix on the most public Part of each of the said Booths, the Name or Names of the Rape, &c. or Rapes, &c. for which such Booth is allotted; and shall appoint a proper Clerk, or Clerks, at each of the said Booths, to take the Poll (at the Expence of the Candidates, not exceeding one Guinea *per* Day each Clerk) and the Sheriff, &c. shall also make out a List for each of the said Booths, of all the Towns, &c. lying wholly or in part, in the Rape or Rapes, &c. for which such Booth is allotted; and shall, upon Request, deliver a true Copy thereof to any of the Candidates, or their Agents, taking for each Copy 2 s.

No Sheriff, &c. shall admit any Person to vote for any Lands, &c. sworn by the said Oath to be lying at some Parish or Place, &c. not mention'd in the List so made out for such Booth, &c. unless such Lands, &c. lie, or be in some Town or Place not mention'd in any of the Lists.

The Sheriff, &c. shall allow a Cheque Book for every Poll Book for each Candidate, to be kept by their Inspectors at every Place where the Poll is carried on.

Whereas by Stat. 7. and 8 *Wil.* III. it is enacted, That upon every Election of any Knight, the Sheriff shall proceed to Election at the next County-Court, unless the same fall out within six Days after the Receipt of the Writ, or upon the same Day, and then shall adjourn the same Court to some convenient Day, giving ten Days Notice of the Time and Place of Election; and whereas Sheriffs have frequently, in such Cases,

Cases, made long Adjournments of the County-Court, to delay the Election, it is enacted, that no Sheriff shall, in Case, adjourn such Court for longer than sixteen Days.

Whereas by an Act of the 6th of Geo. 2. it is enacted, That no County Court, held in *England*, shall be adjourned to a *Monday*, a *Friday*, or *Saturday*, so much of the said Act is repealed.

If any Sheriff, &c. who shall preside at any Election of a Knight, &c. in *England* or *Wales*, shall wilfully offend against this Act, he shall be liable to be prosecuted by Information or Indictment in the Court of *King's Bench* at *Westminster*, or of great Sessions in *Wales*, or at the Sessions of *Chester*, *Lancaster*, or *Durham*, or at the Assizes, &c. in which no *Noli Prosequi*, or *Cessat Processus* shall be granted.

It shall be sufficient for the Plaintiff to set forth, in the Declaration or Bill, that the Defendant is indebted to him in the Sum of and to alledge the particular Offence, &c. without mentioning the Writ of Summons, or Return thereof; so in an Indictment, &c. to alledge the particular Offence, &c. without mentioning the Writ or Return; and upon Trial, the Plaintiff, &c. shall not be obliged to prove the Writ or Return, or any Warrant, &c. to the Sheriff grounded upon such Writ.

Provided that every Action, &c. shall be commenced within nine Kalendar Months after the Fact.

All the Statutes of Jeofails shall extend to all Proceedings given or allowed by this Act.

If the Plaintiff, &c. shall discontinue or be
Non-

Non-suited, or Judgment be given against him, the Defendant shall recover his treble Costs.

By Stat. 19 Geo. 2. *ch.* 28. After the 24th of June 1746. Every Person demanding to Vote for the Election of a Member, &c. for a City, or Town, being a County of itself in *England*, in Respect of a Freehold Estate of 40 s. a Year, shall, before he is admitted to Poll (if required by the Candidates, or any of them, or any Person having a Right to Vote) first take the Oath (or being a Quaker, the solemn Affirmation) following, &c.

YOU shall swear (or, being a Quaker, you shall solemnly affirm) That you have a Freehold Estate, consisting of (*specifying the Nature of such Freehold Estate, whether Messuage, Land, Rent, Tithe, or what else; and if such Freehold Estate consists in Messuages, Lands, or Tithes, then specifying in whose Occupation the same are; and if Rent, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or one of them*) lying or being in the City and County, or Town and County (*as the Case may be*) of _____ of the clear yearly Value of Forty Shillings, over and above all Rents and Charges payable out of, or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents and Profits thereof, for your own Use, above Twelve Calendar Months; or that the same came to you within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Promotion to a Benefice in a Church, or by Promotion

to an Office; and that such Freehold Estate has not been granted or made to you fraudulently, on Purpose to qualify you to give your Vote; and that the Place of your Abode is at in and that you are Twenty-One Years of Age, as you believe; that you have not been polled before at this Election.

Which Oath, &c. the Sheriff, &c. is to administer; and if any Person taking the said Oath, &c. shall thereby commit wilful Perjury, and be thereof convicted; and if any Person do unlawfully and corruptly procure or suborn any Person to take the said Oath, &c. in order to be polled, whereby he shall commit such wilful Perjury, and shall be thereof convicted, he, for every such Offence, shall incur the Pains, &c. in Stat. 5. Eliz. and Stat. 2. Geo. 2.

Whereas by an Act 10. Ann. it was enacted, that no Person should vote for the Electing of a Knight, &c. reciting part of Stat. 10. Ann. and part of Stat. 12. Ann. ut supra in Stat. 18. Geo. 2. which said Provisions are recited in Stat. 13. Geo. 2. and are therein enacted to extend to such Lands, &c. for which any Person shall vote for the Election of any Member for a City, or Town, being a County of itself; it is by this Stat. 19. Geo. 2. enacted, That so much of the said Stat. 13. Geo. 2. as extends the said Provisions to such Cities and Towns that are Counties of themselves, be repealed.

Provided that no Person shall vote for such City, &c. in Right of any Freehold Messuages, &c. of the yearly Value of 40 s. which have not been charged to the Land Tax in Great Britain twelve Kalendar Months before such Election. Provided

not

not to restrain any Person from Voting in such Election, &c. in Right of any Rents, or Messuages, or Seats belonging to any Offices, by Reason that the same have not been usually assessed to the Land-Tax.

The like Provisions for Duplicates, &c. *ut supra* in Stat. 18. Geo. 2.

And the like Qualification as to Freehold in the City, &c. and Possession thereof; and a like Remedy against fraudulent Voters; and a like Clause that Taxes are not to be deemed a Charge upon the Freehold.

The Sheriff or Sheriffs, &c. shall allow a Cheque Book for every Poll-Book for each Candidate, to be kept by their Inspectors at the Place where the Poll shall be carried on.

The Sheriff, &c. shall forthwith upon the Receipt of the Writ cause publick Notice to be given of the Time and Place of Election, and proceed to Election within Eight Days next after that of his Receipt of the Writ, and give three Days Notice thereof at least, exclusive of the Day of the Receipt of the Writ, and of the Day of Election.

If any Sheriff, &c. wilfully offend against this Act, he shall be liable to be prosecuted by Information or Indictment in the Court of King's Bench at Westminster, or at the Assizes, &c. in which no *Noli prosequi*, or *Cessat Processus* shall be granted.

The like Provision for the Facility of Prosecution as in Stat. 18. Geo. 2. *supra*.

And for commencing Suits within nine Months.

And

44 *Additions from 1740 to 1747.*

And that the Statutes and Jeofails be allowed.
And that the Plaintiff discontinuing, &c. shall
lose treble Costs.

This Act (except the Clauses for allowing
Cheque Books, or for Notice to be given of the
Time and Place of Election, and proceeding to
Election) shall not extend to any City, &c. being
a County of itself, or to any Person where the
Right of Voting for a Member is in Respect of
Burgage-Tenure, or where the Right of voting
for such Member in Respect of a Freehold, does
not require the same to be of the yearly Value
of forty Shillings.

F I N I S.



Ex. J. D.

9/4/15

